

AGENDA ITEM #5&7
September 6, 2005

Worksession

MEMORANDUM

August 30, 2005

TO: County Council

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SUBJECT: Shady Grove Sector Plan

The recommendations of the Planning, Housing, and Economic Development (PHED) Committee on the Shady Grove Sector Plan are presented below. The Committee met 16 times between January and June to discuss the Plan and will meet again on September 7 to consider an update on transferable development rights (TDRs), recommendations related to the Recreation Center and streetscaping. This memorandum addresses all issues except those to be discussed by the Committee on September 7 and zoning text amendments and therefore should be held for future Council worksessions. Major topics are as follows:

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Staff has attached a map of the planning area on ©1A. Councilmembers should bring a copy of the Sector Plan and the Supplemental Technical Information report with them for reference purposes. The Council should note that most of the descriptions of testimony reflect testimony received at the public hearing and before the Committee began work on the Plan. In most cases, those who testified did not update their comments to reflect Committee actions on the Plan.

The Committee recommends approval of the Sector Plan with the changes recommended in this memorandum. The Committee supported most of the recommendation in the Planning Board Draft. The major changes recommended by a majority of the Committee are as follows:

- **Staging:** The most significant change is the strengthening of the Staging Plan to require that specific trip mitigation goals be achieved, that congestion at intersections is no worse than at present (or than the adopted standard), and that certain facilities must be programmed for completion before proceeding to successive stages, making this the most stringent Staging Plan in any master plan.
- **County Service Park:** While the Plan recommends the relocation of the County Service Park and other public facilities, final decisions as to whether when and where to relocate will be made as part of a separate process. The Committee recommends clarifying that these decisions will be NOT be determined during the Sector Plan review. The Plan is written with options for development with and without the relocation of the County facilities.
- **Public Facilities:** The Committee provides alternative recommendations for the location of public facilities dependent on whether the County Service Park relocates. The Committee recommends removing the Plan's recommendation to have Blueberry Hill Park serve as an alternative site for the elementary school.
- **Shift in Residential Units:** The majority of the Committee recommends shifting those residential units closest to the Transfer Station to other areas in the Plan and also moving jobs from the Technology Corridor to the area adjacent to the Transfer Station and closer to the Metro Station. (There is no net change in the total number of housing units or jobs in the planning area.)

I. OVERVIEW

Park and Planning Department Staff will present an overview of the Plan to the Council as an introduction to the Council worksessions. The Shady Grove Sector Plan was last revised in 1985 and envisioned the area as being primarily industrial. This amendment recommends a transformation to a mixed-use community with a new residential focus at the Metro Station. The Plan envisions a mixed-use "urban village" at the station that will provide housing, employment, and retail uses within walking distance. The Plan strives to protect existing communities with a buffer area of compatible transitional uses between the Metro station area and the Derwood community. It aims to make Shady Grove a more pedestrian-oriented place with generous sidewalks and streetscaping around the Metro station area.

The Sector Plan recognizes the importance of the existing I-270 Technology Corridor and strengthens opportunities by designating a technological corridor along Shady Grove Road as well as recommending redevelopment along MD 355 to achieve a mixed-use character. It also

includes recommendations to make Shady Grove a greener community with a significant amount of new parks and urban open spaces, as well as increased woodland areas, tree-lined streets, and green urban parks. The Plan intent is to create a balanced community that provides more housing close to transit and jobs and provides business opportunities. The Sector Plan also recommends staging future development to ensure that adequate transportation, schools, and other public facilities are provided in a timely fashion. Some of the themes the Plan was based on include the following:

- Implementation of the General Plan and its vision to concentrate growth at transit stations and along the I-270 Corridor.
- Implementation of the recommendations in the Transportation Policy Report (TPR) to increase housing and decrease jobs to help balance the County's jobs/housing (J/H) ratio. (Shady Grove is the only Sector Plan in the corridor to be targeted for a large increase in housing to meet the recommended J/H ratio in the Transportation Policy Report (TPR).)
- The importance of providing design guidance that will make this a livable and attractive community and encourages residents to walk and use transit.
- The importance of providing adequate public facilities for this new community (schools, parks, library, etc.) and minimizing negative transportation impacts. (The recommendations in the Plan contribute only 10% to the future traffic; the majority of future traffic will be traffic coming from outside the Planning Area.)
- A strong Staging Plan is the key to the successful buildout of the Plan. Among the Plan's many staging provisions are requirements to evaluate the success trip reduction measures and a recommendation for a review of public facilities and traffic impact at approximately 50% of build-out.

II. CAPACITY ISSUES

The Shady Grove Sector Plan recommends a significant increase in the number of housing units recommended in the 1985 Plan and a decrease in the number of jobs (see chart below) and numerous groups and individuals have raised the concern that public facilities do not have sufficient capacity to absorb this growth. Although some of the comments referred generally to concerns about the capacity of public facilities, most of the focus was on schools and transportation and therefore these issues are addressed in detail below.

Before addressing whether there is sufficient capacity to serve the projected growth, the Council should understand the changes recommended in the Plan. As the chart on the following page displays, the Planning Board Draft Plan recommends approximately 3,800 to 4,800 more housing units than the existing 1985 and 1990 Sector Plans both to take advantage of the Metro station location and to decrease the jobs/housing (J/H) balance as recommended in the TPR. The Planning Board Draft also recommends a decrease in the number of jobs by approximately 5,300 jobs.¹

¹ The Public Hearing Draft would have resulted in an approximate increase of 2,700 housing units and a reduction of 7,210 jobs compared to the adopted Sector Plans. The impact of the Planning Board changes to the Public Hearing Draft was to increase overall levels of development while attaining approximately the same targeted jobs/housing ratio. The rationale for the increased density is described on © 1B-4.

Jobs and Housing Summary in the Shady Grove Sector Plan

	Existing	1985/ 1990 Master Plans (jobs at .7 FAR, with 12.5% MPDU) ²	TPR Alternative Land Use	Public Hearing Draft (with 12.5% MPDU)	Planning Board Draft		PHED Committee Recommendation	
					12.5% MPDU	15% MPDU and bonus density	12.5% MPDU	15% MPDU and bonus density
SHADY GROVE POLICY AREA								
Jobs	3,874	14,070	5,566	6,860	8,741	8,741	8,696	8,696
Housing	119	1,324	4,000	4,000	5,140	6,090	5,140	6,090
J/H Ratio	3.2	10.6	1.4	1.6	1.7	1.4	1.5	1.4
SHADY GROVE SECTOR PLAN AREA								
Jobs	13,650	27,890	-	18,727	20,841	20,841	20,841	20,841
Housing	2,600	3,960	-	6,667	7,988	8,940	7,988	8,940
J/H Ratio	5.25	7.0		2.76	2.5	2.3	2.5	2.3

Since the main concern about this level of density at a transit station is whether the public facilities are adequate to serve the new residents and employees, the Staging Plan discussed later in this memorandum is a critical part of the Committee's recommendations. If there is not adequate capacity, the Staging Plan will prevent full build out of the Plan.

Testimony: The Council received extensive testimony and approximately 50 letters from individuals, groups (The Upcounty Citizens Advisory Board, the Greater Shady Grove Civic Alliance, the Montgomery County Civic Federation, Montgomery Preservation, Inc., and the Norbeck Meadows Civic Association) and local elected officials (Washington Grove Mayor Compton, City of Gaithersburg Mayor Katz, and Rockville Mayor Giammo) concerned that increases in density were too great and that public facilities, particularly transportation and schools, did not have sufficient capacity to absorb this increase.

A. School Capacity

Committee Recommendation: Do not increase the number of residential units above the amount recommended in the Sector Plan so as not to exceed the capacity of the new elementary school recommended for the planning area.

² Estimates of jobs in the 1985 Sector Plan were based on an assumed FAR at build-out of 0.35 FAR, which would have produced 9,842 jobs and 1,324 housing (with a J/H ratio of 7.4). The research division at the Park and Planning Department has since updated their estimates of commercial build-out of properties near Metro stations and believe that 0.7 FAR represents a more accurate estimate of potential build-out.

This section addresses school capacity issues and whether the schools sites recommended in the Sector Plan will be sufficient to serve the students generated by the Planning Board Draft. The issue of where to locate the new elementary school is discussed in a separate section below.

Park and Planning Department Staff, with assistance from Montgomery County Public Schools (MCPS) Staff conducted an analysis of school capacity under different build-out options. The detailed presentation of this analysis appears on pages 60 – 68 of the Shady Grove Sector Plan Supplemental Technical Information Report. This analysis included a range of alternatives from 2,700 new units (if the County Service Park is not relocated) up to a high of 6,350 new units in which the Service Park relocates and every property redevelops with the allowable 22 percent (Moderately Priced Dwelling Unit (MPDU) bonus density. The analysis indicates that up to 5,700 student-generating units will require **one new elementary school** and contribute to the need for a new high school, generating some fraction of the total need. Capacity exists in the middle schools to accommodate the Planning Board Draft. With more than 5,700 units, the capacity of one elementary school is exceeded and would require students to be assigned to future elementary schools such as the King Farm elementary school, but some level of additional students could be absorbed into existing schools.

The Committee reviewed the assumptions MCPS used to generate their projections of new students, and the determinations regarding the number of new schools needed to serve those students. The Committee supported M-NCPPC and MCPS's conclusion that the new housing recommended in the Plan can be served by the additional of one elementary school, existing middle schools in the area and a new high school to be built outside the Planning Area. The Committee determined that an increase in density beyond the amount recommended in the Plan could create a capacity problem and therefore does not support any increase in the number of residential units. The Committee also recommends that the Plan not recommend high school clusters and believe that the word "cluster" should be removed from page 86 of the Plan.

B. Master-Planned Transportation Capacity

Land use/transportation balance. With the exception of the Potomac Subregion Master Plan, all master plans adopted by the Council for the past twenty years have been in balance: that is, the planned transportation system can meet the travel demand generated by the planned development. A plan in balance does not mean that traffic conditions at build-out will be deemed 'good' or even 'fair'; more likely the traffic congestion will be at the borderline between 'tolerable' and 'intolerable.'

The discussion on transportation capacity is found on pp. 38-50 of the Shady Grove Sector Plan Supplemental Technical Information report. The Planning staff's analysis of capacity examined: (1) future traffic crossing a cordon line around the Sector Plan area; (2) a Policy Area Transportation Review (PATR)-type analysis of future area-wide congestion; and (3) a Local Area Transportation Review (LATR)-type analysis of intersection congestion. The cordon analysis demonstrates that 71% of the traffic in the Sector Plan area at build out will be from through traffic, and only 29% will be traffic to or from development within the area. Only 10%

of the traffic crossing the cordon will be due to the additional development recommended in the Plan over that which exists today.

The PATR-type test has not been applied in determining whether there is land use/transportation balance in Sector Plans for Metro Station areas. Typically these areas are too small—and congestion is too much driven by intersection capacity—for PATR to be a meaningful analysis.

Therefore, the attention is best paid to the LATR analysis. There are two standards that apply: 1,800 Critical Lane Volume (CLV) for the intersections within the boundary of the Shady Grove Metro Station Policy Area (with the allowance for exceeding 1,800 CLV if the resulting queues do not impact the adjacent signalized intersections); and 1,475 CLV in the balance of the Sector Plan area. The chart on ©5 shows the future congestion levels at each of the major intersections, all of which assume implementation of the transportation demand management (TDM) measures in the plan:

- Shady Grove Road/Oakmont Avenue will have tolerable congestion with no further improvements.
- Crabbs Branch Way/Redland Road will have tolerable congestion with the already-programmed widening of Redland Road.
- Shady Grove Road/Crabbs Branch Way will have tolerable congestion with a second left-turn lane on each approach of Crabbs Branch Way and an exclusive right-turn lane on each approach of Shady Grove Road.
- MD 355/Redland Road will have tolerable congestion with another left-turn lane from westbound Redland Road to southbound MD 355.
- MD 355/Gude Drive will have tolerable congestion with the construction of the recommended grade-separated interchange at that location. This interchange is already on the County's priority list for the State Highway Administration to add to its Development and Evaluation (project planning) Program.
- MD 355/Shady Grove Road will have tolerable congestion by adding a second right-turn lane on each of Shady Grove Road's approaches. With a CLV only 4% above 1,800 and the nearby signalized intersections spaced at some distance, the queues from the intersection will not likely cause a problem.

The main dilemma is the Shady Grove Road/Midcounty Highway intersection, which is forecast to operate at 2,152 CLV at build-out even with the TMD measures in place: 46% higher than the applicable 1,475 CLV standard. (The Plan assumes the master-planned southeastern extension of Midcounty Highway to the Intercounty Connector.) At this intersection the Planning staff suggests adding a through lane in each direction of Midcounty Highway and adding an exclusive right-turn-lane on both Shady Grove Road approaches. With these improvements, however, the intersection will still operate at 1,738 CLV, 18% over the 1,475 CLV congestion standard.

Council staff explored with Planning staff the possibility of a grade-separated interchange at this intersection. Given the road layout and forecasted traffic volumes, the most likely design concept would be a single-point urban interchange, the concept employed at I-270/Falls Road and proposed at ICC/New Hampshire Avenue. Even with an interchange, however, the intersection would still fail, and there would likely be a significant number of homes near the

intersection that would be dislocated or otherwise impacted. An interchange at this location, therefore, is not feasible.

This brings the argument back to the finding earlier in this section: that most of the traffic forecast in this area is through traffic unrelated to the build-out development level in the Sector Plan area. The chart on ©5 shows that the land use under the Public Hearing Draft Plan—which is 2,400 fewer households and 2,200 fewer jobs—still produces a congestion level at this intersection which would be 11% over capacity. In some other master plans it has been recognized that some intersections at their perimeter would operate over-capacity at buildout.

With regards to the land use/transportation balance of the Sector Plan, the Committee did not reach a determination regarding how to treat the finding that the Midcounty Highway/Shady Grove Road intersection would operate over capacity.

Metrorail capacity. The other issue related to transportation capacity-related that was raised at the public hearing was whether there will be enough capacity on Metrorail to accommodate the planned development at Shady Grove. The issue does not pertain to commercial development; there is currently a surfeit of capacity on morning northbound and evening southbound trains that would serve the travel demand generated by jobs at Shady Grove. With the master plan assuming a doubling of the frequency of trains (no turn-backs at the Grosvenor-Strathmore Station) and an increase of the number of cars per train, there will be well more capacity than the build-out of the upper County will require.

The issue really centers on the amount of housing growth that can be accommodated, since all of its Metro-generated traffic will be heading in the peak direction, both in the morning and the evening rush periods. The main thing to understand, however, is that this is not a Shady Grove issue; it is a corridor-long issue. Since the peak-load point of the western branch of the Red Line is between the Dupont Circle and Farragut North Stations, the issue is really: how much housing growth can be accommodated around every Metro Station between Woodley Park and Shady Grove, and how much Metro parking and bus access should be provided to these stations. The situation is further complicated by the Corridor Cities Transitway: most of its ridership is destined to the Shady Grove Station, and a significant proportion of these patrons will be passing through the peak-load point to downtown.

On the portion of the Red Line south of the Grosvenor-Strathmore Station the trains run on a 2½-minute headway, the closest the trains can run and operate safely. There is some room for additional capacity. First of all, the 6-car train consists that operate now ultimately can be increased to 8-car consists. Secondly, there is the possibility of removing some of the train seating to create more standing room; depending upon the option chosen, the 193-person capacity of each car (standing and seated) could be increased anywhere between 3-17%, depending on the concept selected. Together, with the addition of more rail cars, probably 40% more capacity is available in the peak direction. This should be sufficient for the next decade or so, but long-term solutions to this issue should be identified in the next few years.

III. RELOCATION OF THE COUNTY SERVICE PARK

This section addresses issues related to the relocation of the County Service Park.³ Zoning, land use and public facility issues for these properties are addressed in another section below. A map of the County Service Park is on ©6.

Committee Recommendation: The Sector Plan should clarify that the final decision as to whether and where County facilities move will be made as part of a separate process. Since it will be determined by those agencies operating the facilities using a bidding process, the Plan should not specify a preferred option for relocation, but remain neutral as to the potential new location of County Service Park. Include language in the Plan resolution that indicates prompt attention will be given to the relocation of the County Services Park.

Plan Recommendations: The Plan recommends relocating facilities in the CSP to permit more appropriate mixed-use residential development adjacent to the Metro station. Zoning recommendations for properties in the CSP are shown on © 7. Establish a one year application period after Plan approval, in which the County can receive development proposals to relocate County Service Park facilities. If after one year, no acceptable proposals are received, County investment in those facilities may continue.

Testimony: The County Executive supports the relocation of the County Service Park providing that it be revenue neutral to the County and not diminish operational efficiencies of the agencies located in the Service Park. Furthermore, if the entire Service Park cannot be relocated, the Executive recommends that the area east of Crabbs Branch Way remain industrial classification and stated that under any relocation proposal, the Department of Public Works and Transportation uses should be considered together for relocation purposes. Mayor Compton (Washington Grove) also supports relocating the County Services Park. The Montgomery County Civic Federation and Montgomery Preservation, Inc. (represented by Wayne Goldstein) noted that if the County can find multiple replacement sites for the Services Park, they must factor in not only the cost to build new, but also the inevitable inefficiencies that will be caused by duplicative staff and facilities at the new locations. Eakin/Youngentob Associates and RST Development support relocating the Service Park to their property on Casey 6 and Casey 7. Miller and Smith support relocating the Service Park to the Webb Tract (which is outside the planning area). (Since submission of the original testimony, Eakin/Youngentob and Miller and Smith have formed a partnership to bid on the relocation.) The Montgomery Village Foundation withholds support for moving the school bus depot to the Webb Tract conditional upon receiving more information on the environmental impact and traffic patterns. Additionally, they oppose the blanket relocation of the entire Service Park to the Webb Tract. Individuals also raised concerns regarding the costs and inefficiencies of relocating as well as a lack of information regarding the relocation. One individual wanted the Council to place a school at the existing bus yard.

Staff Analysis: As noted above, there are several different County facilities located in Shady Grove and numerous different options for relocating them. It is possible that all facilities will be relocated as recommended by the Sector Plan or that only a portion of the facilities will be

³ There are several facilities operated by multiple agencies that are referred to here as the County Service Park or CSP.

relocated. The facilities could continue to be co-located at a single site or relocated in two or more locations. At least two options have been identified as potential sites to relocate facilities (the Webb Tract which is outside the Planning Area and Casey sites 6 and 7) and additional ones could surface during a bidding process. **The determination as to which facilities will relocate, where they will go and when relocation should occur, should not be decided during the Sector Plan review but during a separate process.** The decisions the Council should focus on are whether you generally support the recommendation to relocate these facilities and whether you believe the zoning and density recommended for existing service park land and potential future locations in the planning area are correct.

Staff strongly endorses the Plan recommendation to move the facilities in the service park and redevelop this area from an industrial area to one of mixed commercial and residential uses. This is essential to maximizing the use of Metro and creating a new transit-oriented community. The Executive has stated that he believes that the facilities should only be moved if the relocation is revenue neutral. Staff believes that the County should be willing to make an investment to ensure the success of this important Metro Station area and that cost neutrality should be a goal, not a litmus test. If one is to consider cost neutrality it should be as a life-cycle cost analysis over a multi-year period, not simply at the time of the move. (The County will clearly save on future renovation costs by having new facilities and this should be factored into any assessment of cost neutrality.) Finally, Staff does not believe that the Sector Plan should bias what will be an independent bidding process to determine where the facilities should locate.

Committee Recommendation: The Committee supported the Staff recommendation to assure that the Plan is neutral with regard to the location of the County Service Park

IV. PUBLIC FACILITIES

The PHED Committee will have a final discussion on the Plan's recommendation for a Recreation Center on September 7 and this issue is therefore not included in this discussion of public facilities.

Committee Recommendation: The Plan should identify different options for the location of public facilities including schools, libraries and parks depending on whether the County Service Park is relocated. In summary, the Committee recommends the following locations for public facilities:

Options for Public Facilities if the County Service Park Does Not Relocate. If the County Service Park does not relocate, the number of residential units and therefore the need for public facilities (e.g., parks) will be reduced.

Facility	Location
School	Casey at Mill Creek at location recommended in the Planning Board Draft Sector Plan (to be acquired by MCPS)
Library	On Metro North WMATA property
Park facilities	At least one ballfield on the Casey 6 property. Other facilities to be located outside Planning Area.

Options for Public Facilities if the County Service Park Relocates. If the County Service Park relocates as recommended in the Plan, the Committee recommends 2 possible options for public facilities (one if the school is located on Jeremiah Park and the other if the school is located at Casey at Mill Creek). The Committee recommends the following:

Facility	Option 1 (School at Jeremiah Park)	Option 2 (School at Casey at Mill Creek)
School	Jeremiah Park	Casey at Mill Creek at location recommended in the preliminary plan (if acquisition is privately funded)
Library	On Metro North WMATA property	On Jeremiah Park or Metro North
Park Facilities	At least one field provided as a combination park/school site. Other field needs provided on Casey 6 or outside Planning Area.	Master Plan specifies a minimum size for park at Jeremiah Park and lists park needs that must be met before the Service Park area can redevelop.

Plan Recommendation: The Plan's public facilities concept is to provide a full complement of public facilities that can serve both new and existing residents. The Plan recommends locating public facilities in the Jeremiah Park area as transitional uses convenient to the community, and on the east side of the Metro station, convenient to transit. Public facilities such as a library and local park located at Crabbs Branch Way and Shady Grove Road should be visible, accessible, and create a civic presence. The Planning Board Draft Plan also supports a public community center, to serve this community and surrounding communities. Existing County services facilities should be relocated and reconfigured to sites where they can operate more efficiently.

General Testimony: The Council received several letters expressing general concern that there will be inadequate public facilities if the proposed density increase surrounding the Metro station is built and requesting that the public facility requirements be stronger. Some of these letters specifically stated that the 10% increase in public facilities would not support the proposed growth. Solutions Not Sprawl stated that the Plan addresses opportunities for educational, recreational, and civic facilities. Pamela Lindstrom thinks that facilities that residents value should be provided.

A. Schools

The PHED discussed the potential location of the school over the course of several worksessions. Issues covered include the merit of the Plan's recommendation to site the school at Casey at Mill Creek at considerable cost to the County (while the developer dedicated land for a Legacy Open Space (LOS) site on the same property), whether it would be possible to place the school partially or entirely on the LOS site to decrease County costs, whether the school could be located in one of the new Metro neighborhoods and whether the Plan's recommendation to identify Blueberry Hill Park as an alternative school was appropriate. Council and Park and Planning Department Staff prepared detail analyses of these options and responses to Committee questions. These materials are not included in this packet but are below but are available in the staff packets prepared for Committee worksessions.

Committee Recommendation: Identify Jeremiah Park as a recommended location for an elementary school. Alternatively the school can be located at the Casey at Mill Creek site identified in the Plan if the site is either acquired with private funding or the County Service Park does not relocate. Eliminate from consideration options that would place a school on the LOS property. Remove the Plan's recommendation which identified Blueberry Hill as an alternative location for a school.

Page in Master Plan:

Blueberry Hill: 83 and 86 in the Plan; 57 and 64 in the Supplemental Technical Information.

Casey at Mill Creek: 45, 86, 103 in the Sector Plan, and 58, 64 in the Supplemental Technical Information.

Acres:

Blueberry Hill: 20 acres including 10 acres potential school site.

Casey at Mill Creek: 58 (including 9 acre school site and 13 acre Legacy Open Space site).

Existing and Recommended Zoning:

Blueberry Hill: R-90 and PD-5

Casey at Mill Creek: R-90

Plan Recommendations:

Blueberry Hill: Preserve Blueberry Hill Park as a recreation park site, preferably for passive recreation and open space. Designate Blueberry Hill Park as a potential alternative school site, should a school at Casey at Mill Creek not be achieved.

Casey at Mill Creek: Designate a Legacy Open Space (LOS) site to protect the existing meadow adjacent to the Town of Washington Grove. Provide a neighborhood park for passive recreation connected to the LOS site and proposed elementary school via a trail. Designate the Casey at

Mill Creek South property as the preferred site for an elementary school. Achieve a bike trail connection from Amity Drive to Washington Grove.

Additional important background information on Casey at Mill Creek property includes the LOS designation and recent approval by the Planning Board of a preliminary plan which requires the applicant to dedicate the LOS site and place the school site into reservation for two years for acquisition by Montgomery County Public Schools (MCPS). A Planning Staff memorandum providing a summary of these actions is attached at ©8-12. This memorandum also establishes the rationale for the LOS designation.

Testimony:

Blueberry Hill: The Council received more than 50 letters from individuals (including Washington Grove Mayor John Compton, 14 year-old Angeli Manuel, and 3rd grader Holly Costanzo) as well as the Norbeck Meadows Civic Association and the Shady Grove Civic Alliance addressing the Plan's recommendations for Blueberry Hill Park. All of those who wrote on the subject supported retaining Blueberry Hill Park as a park. Several letters noted that the Derwood community has historically been underserved with parks and recreation facilities and did not want any decrease in recreational facilities at the Park. At least one individual noted that placing a school here would result in a loss of the wooded area with negative environmental consequences. In addition to the environmental reasons, some individuals raised questions regarding accessibility and traffic if a school is located at Blueberry Hill. Although not all the letters received specified preferable locations for an elementary school, many suggested that the new elementary school should be placed on the Casey at Mill Creek property. In addition to the above testimony, Yuriy Naiburge wrote that he does not want a baseball field at Blueberry Hill Park.

Casey at Mill Creek: The Council received nearly 75 letters from individuals (including Mayor Compton), as well as the Norbeck Meadows Civic Association and the Shady Grove Civic Alliance, regarding Casey at Mill Creek. The overwhelming majority of writers had similar concerns. First, they wanted the Council to consider the Casey at Mill Creek plan as an entire package. Second, they do not want the Council to leave open the issue of whether there should be an LOS designation or an elementary school site; they want both and do not want the size of the LOS site reduced. They supported placing a school on Casey at Mill Creek for a variety of reasons, including that it is conveniently located in the metro area without being on a major road, no existing County facilities would have to be moved in order to construct a school, the Amity/Briarwood communities were promised a school/park in a past master plan, the school would serve as a focal point for their community, the school would be closer to new housing, the Casey site has better access than the Blueberry Hill site and would allow for better traffic flow, and it is a "safe, quality school site, bordered by woodlands, wetlands, and history." The Council received a letter from Brad Botwin recommending that the County school system be allowed 3 years to purchase Casey at Mill Creek for a new elementary school. The Montgomery County Civic Federation and Montgomery Preservation, Inc. (represented by Wayne Goldstein) support protection for Washington Grove's Historic Meadow through either LOS purchase or through master plan designation.

Staff Analysis:

Blueberry Hill: The issue of where to locate the new elementary school generated more testimony than any other recommendation in the Sector Plan; virtually all testimony was opposition to placing a school at Blueberry Hill or in support of a school at Casey at Mill Creek. Those who wrote about Blueberry Hill indicated that they did not want to lose a beloved neighborhood park. Issues raised include the potential loss of recreational facilities, environmental and traffic concerns. Although a few of those who testified indicated that they understood the potential location of the school, many, if not most, were under the false impression that the school would be built on the developed portion of the park, replacing existing recreational facilities. If a school were to be located on this site it would be in the undeveloped portion of the site which is currently wooded. As noted by at least one individual who testified before the Council, there are environmental benefits to keeping this portion of the site in a wooded state. Placing a school on this site would prevent the opportunity to use the undeveloped portion of the site for recreation facilities. (A memorandum from Park and Planning staff describing the recreational needs in the planning area is attached at ©13-14). Finally, the Council must consider the overwhelming community opposition.

Casey at Mill Creek: On the other hand, there is a very clear community preference for locating a new elementary school on the Casey property. The school system believes that either Blueberry Hill Park or the Casey property could accommodate a school; however, locating a school at the recommended location in the Sector Plan would present a significant cost for the MCPS of several million dollars. Since the preliminary plan only requires reservation for 2 years, MCPS could have to acquire the site in advance of the need for the school. There are also site constraints which will limit the size of the school. Given the fiscal implications and the site constraints, Committee members spent a significant amount of time exploring what the other options are for locating a school or reducing the cost of acquisition for MCPS.

Ultimately, the Committee decided against listing Blueberry Hill as an alternative site for the school and preferred that the school be sited on county-owned land in Jeremiah Park if the CSP relocates. Should a private entity (such as the developer for Jeremiah Park) decide to pay the cost of property acquisition, Casey at Mill Creek would also be an appropriate site. If the CSP does not relocate, the Committee supports the Sector Plan recommendation for Casey at Mill Creek.

B. Park and Recreation Facilities

Committee Recommendation: Retain a minimum 4-acre park on Jeremiah Park and require that specific recreational facilities (such as 3 adult ballfields) be located in the Planning Area without requiring that specific facilities be placed at specific locations. Include the requirement that park needs must be met before the County Service Park can redevelop.

Page in Master Plan: 81-84

Plan Recommendations: Provide Recreational Opportunities in Existing Parks (Blueberry Hill Park, Redland Road Local Park) and new parks (stormwater management pond, a 10-acre Jeremiah local Park, local park on Casey 6, local park in the Amity Drive area, Town Square and

Town Common parks in the Metro Neighborhoods, public use spaces in each Metro Neighborhood). Provide trail corridors and protect historic, cultural, and archaeological features. Additional background information regarding park needs prepared by Park and Planning Department Staff is attached at ©15-17.

Testimony: The County Executive thinks the references to Jeremiah Park and a community center as a replacement use for the school bus depot should be more carefully considered, and the need for this scale of park reexamined. The Greater Shady Grove Civic Alliance thinks that the Plan does not adequately address parks and recreation, while Solutions Not Sprawl stated that the Plan includes a “wonderful” network of parks and public spaces. Several individuals expressed their concern that the Plan did not adequately address public facilities, including parks, for future populations. One individual indicated that he did not want a baseball field and Blueberry Hill Park, while another noted that Jeremiah Park should be 20 acres with space for two 90’ basepath baseball fields. Some individuals expressed their desire to create or retain the following parks and green space: Amity Park, Jeremiah Park, Washington Grove LOS space, Blueberry Hill Park, and Redland Park.

Staff Analysis: The Sector Plan describes the deficit of active (basketball courts, ballfields, playgrounds) and passive (nature walks, trails, etc.) recreation facilities in the Planning Area. The Plan recommends a variety of new facilities listed on page 83 to meet these needs. The primary issues considered by the Committee are the Sector Plan’s recommendation for a new 10-acre park in Jeremiah Park and the number of required facilities. The Plan recommends a new 10-acre park in Jeremiah Park and a 6 acre park on Casey 6, noting that if the County Service Park relocates to Casey 6, park needs will be met in the Upper Rock Creek planning area.

The Park and Planning Department has indicated what facilities they believe are needed in the Planning Area and identified specific locations for providing those facilities (including new options in the memorandum attached at ©18-23. The unique situation created to redevelop the CSP and relocate it lead Staff to believe that the Sector Plan should be more flexible in specifying locations, **provided that recreational needs can be met in the Sector Plan area.** Staff recommends listing the recreational needs in the Plan (e.g., 3 adult ballfields) and the minimum acreage for a park at Jeremiah Park (e.g., 4 acres) and then requiring that area for the needed recreational facilities be provided before development of the Jeremiah Park can occur. This provides development of CSP site and other properties with the greatest flexibility to explore alternative options while ensuring that the planning area’s recreation needs are met.

C. Library Services

Committee Recommendation: Indicate that the library should be provided in Metro North (either on Jeremiah Park or the WMATA site). At the time the library is built, determine if there is a need for additional meeting space beyond that typically provided for a library.

Page in Master Plan: 88

Plan Recommendations: Support a new library at the corner of Crabbs Branch Way and Shady Grove Road. Consider relocating the library now proposed for the Laytonia Recreational Park to the redeveloped school bus depot site. Design a multi-level building with structured parking.

Testimony: The Council received testimony from the County Executive, supporting the creation of a new library. The Greater Shady Grove Civic Alliance supports placing the proposed library within walking distance of the metro station (Jeremiah Park and Casey 7). Several individuals expressed their support for the library at Jeremiah Park.

Committee Discussion: The Committee discussed different options for locating the library, including ones outside the planning area. One option was the previously designated site of Laytonia Recreational Park; however, the Committee learned that the Executive had committed to place an Animal Shelter there subsequent to the preparation of earlier Plan drafts. The Department of Public Libraries also indicated that they supported keeping a library in the planning area near the Metro Station. The Committee ultimately supported the proposed location of the library in the Metro North area either on Jeremiah Park or the WMATA site. (As indicated in the Staging Plan described below, neither site can proceed to develop until a determination is made regarding the location for the library.) If the Elementary School is located on Jeremiah Park, then the library should be placed on the WMATA property.

D. Fire and Rescue

The Committee recommendation for Fire and Rescue is presented below in the discussion of the Casey #3 property on page 28.

E. Senior Services and Day Care

Committee Recommendation: Support the Sector Plan recommendation.

Page in Master Plan: 89

Plan Recommendations: Services such as elderly day care, teen programs, child daycare, and recreation should be provided in convenient locations. Redevelop the existing day care located on WMATA property into the new Metro West neighborhood. Provide a new day care facility located on WMATA property within the Metro East neighborhood.

Testimony: None

Staff Analysis: Support the Sector Plan recommendation.

F. Police Facilities

Committee Recommendation: Add a section to the Plan to address police facilities and the possibility that a new police facility will be located in the Planning Area.

The Council received a letter from the Montgomery County Police Department requesting that language be added to the Plan indicating that they may locate a new police facility in the Planning Area (see ©30). The Committee supports the following addition to the Sector Plan:

The Montgomery County Police Department has been engaged in a site selection search for a police station in the 6th District adjacent to the Shady Grove Sector planning area. The police department will consider the provision of a police facility within the planning area, co-located with the Fire and Rescue facility.

V. LAND USE: SPECIFIC AREA AND PROPERTY RECOMMENDATIONS

A. Derwood Communities

Committee Recommendation: Support Plan recommendations with some clarifications and editorial changes.

Page in Sector Plan: 19-23

Existing Zoning: Mix of Residential zones including RE-2, R-200, R-90 and PD-5

Recommended Zoning: No change in zoning.

Plan Recommendations: The Plan does not recommend zoning or land use changes. The Plan's recommendations are designed to create compatible land uses and patterns, establish public facilities, provide convenient access to the Metro station and minimize traffic congestion.

Testimony: The testimony the Council received regarding the Derwood Communities was not about specific Sector Plan recommendations for this area. Rather, the testimony expressed the resident's concern that the proposed density surrounding the Metro station would negatively affect their communities.

Committee Recommendations: The Committee recommends the following editorial changes: revise the third bullet on page 21 under "Community Concerns" by explaining the meaning of the phrase "works for residents"; and modify the final bullet on page 23 under "concept" that "trip mitigation" is not the primary or sole way pedestrian-friendly intersections are encouraged.

B. Industrial Core

1. Solid Waste Transfer Station

Committee Recommendation: Support efforts to relocate yard waste processing activities. Add language to the Plan proposed by Planning Staff to further mitigate the impact of the solid waste facilities. The majority recommends shifting residential units away from the area closest to the Transfer Station and replacing them with jobs shifted from the technology corridor. (See discussion under Metro West below.)

Page in Sector Plan: 42 and 103

Acres: 52 (combined with WMATA maintenance yard)

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: I-1

Plan Recommendations: The Sector Plan places a garage and a stream valley buffer area between the Transfer Station and the residential uses. It also recommends the following:

- relocating the yard waste functions from the transfer station to a more appropriate site to reduce truck traffic and odors associated with the outdoor trash collection; and
- introducing measures to further reduce noise, odors, and truck traffic, improving compatibility with future residential development of the Metro Station area

Testimony: The Shady Grove planning area includes the Solid Waste Transfer Station and the Recycling Center. The Council received a letter from the Solid Waste Advisory Committee (SWAC) questioning the wisdom of a large increase in residential units so close to these facilities (see ©31-32). SWAC believes that developing high density residential housing adjacent to the Transfer Station will lead to public complaints and appeals to relocate the Transfer Station, which they believe is not an option due to cost, traffic and logistics. Some of their concerns are that the facility is allowed to operate 24 hours a day, seven days a week (although it usually does not operate 24 hours a day), the facility can become odorous during its peak season (spring) when it holds decomposing yard trim, and the facility can be a source of dust, noise and litter from vehicles and general operations. If the Council supports the Plan recommended increases in residential density, SWAC recommends that a buffer zone with a sufficient barrier of trees be placed between the Transfer Station and any residential housing. In addition to SWAC's letter, the Council received a letter from the Upcounty Citizens Advisory Board expressing their concern about mitigating odor and noise problems from the transfer station. Mayor Sidney Katz (City of Gaithersburg) asked the Council to consider relocating the Transfer Station because it is incompatible with the proposed residential uses for a Metro station policy area.

Committee Discussion: The Committee discussed the potential impact of the Transfer Station on the adjacent community. The Committee does not believe that it will be possible to relocate the Transfer Station and the Plan should clearly indicate this so that future home buyers who consult the Sector Plan are not misled.

The Plan should also expand upon those actions that can be taken to minimize the impact of this facility on surrounding development. The Committee supported minor changes to the Plan including recommendations planting additional shade trees to serve as a visual buffer, providing cut-off lighting fixtures to improve compatibility with proposed residential units, and locating non-residential buildings or garages directly adjacent to the Transfer Station or WMATA maintenance yards in order to create a compatible transition to the proposed mixed-use residential areas.

The Committee learned that the yard waste processing activities at the Transfer Station generated most of the odor and that the Department of Public Works and Transportation (DPWT) is currently looking at options to relocate these activities. Attached on ©33-38 are maps of the prime candidate site for relocation and the Project Description Form (PDF) which funds the planning of various aspects of improvement to Transfer Station operations and facilities, including the relocation of the yard waste processing activities. DPWT has identified 700 Gude Drive as the prime candidate site for relocation, but the Council has not approved this, or any other, specific site. To date, the only approved funds are for planning. The specific time frame for actual relocation is uncertain until a CIP amendment to fund the relocation is approved. The Committee supports the relocation to minimize odors for new and existing residents.

A majority of the Committee also supported shifting the residential units that are closest to the Transfer Station and replacing them with jobs provided from the Technology Corridor. This shift is discussed further under Metro West below.

2. WMATA Maintenance Yard

Committee Recommendation: Support Sector Plan recommendations.

Page in Sector Plan: 42, 103.

Acres: 52 (combined with the Solid Waste Transfer Station)

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: I-1

Recommended: 91,035 SF

Plan Recommendations: The Plan recommends encouraging noise mitigation measures on this and adjacent sites, providing expansion for storage, track, and maintenance functions within the existing property, and permitting additional Metro parking within the maintenance yard.

Testimony: None

C. Metro Neighborhoods

The Metro Neighborhoods are envisioned as an urban village, a place that provides vitality, convenience, and a human scale of development. The Plan states that it should become a residential mixed-use area, with pedestrian-oriented characteristics, and with some office and community-servicing retail uses, and recreational areas providing a focus for community life and services. The Plan recommends achieving a mix of residential unit types. Density steps down on the station's east side for a compatible transition to Derwood's nearby residential communities. The Metro Neighborhoods comprise four areas: Metro West, Metro South, Metro North, and Metro East/Old Derwood. Each is discussed below.

Testimony: Numerous individuals and civic groups wrote letters expressing general opposition to the proposed number of residential units in the Metro Neighborhoods. They think that the proposed density is too great. The Council also received letters from a few individuals and groups that expressed general support for the proposed density. In the discussion of the individual properties which appears below, there were several requests for increases in density. Since the Committee's view on each of these requests was identical, it is summarized here.

Committee Recommendation: The Committee considered at length whether to support the proposed decreases and increases in density. Since the primary objection to the densities in the Plan was the impact on public facilities and traffic, the Committee significantly strengthened the staging recommendations to assure that development would not proceed until the facilities were available and traffic mitigation strategies in place and demonstrated to be working. These staging requirements could prevent these properties from achieving full build out at maximum density. The Committee believed that a staging approach was preferable to decreasing density in an area directly adjacent to a Metro station.

The Committee considered several proposals from property owners to increase the densities in different Metro neighborhood properties. While some Committee members thought that certain of the requests could be accommodated from a land use perspective by increasing units per acre or height, **the Committee was unanimous in its view that the total number of residential units should not exceed the amount recommended in the Planning Board Draft due to the school capacity issues** discussed earlier in this memorandum. Therefore the Committee agreed not to increase densities unless it could identify an offsetting decrease elsewhere in the planning area. The Committee did consider various options for shifting residential densities and the majority recommends moving the residential units closest to the Transfer Station to an area outside the Metro West neighborhood.

1. Metro West

Committee Recommendation: Shift 340 residential units from the Metro West properties near the Solid Waste Transfer Station to Casey 7 or Metro North/ Jeremiah Park. Shift 447 jobs from properties along Shady Grove Road to the Metro West properties, resulting in a commercial density of 0.75 FAR.

Page in Sector Plan: 35; map on ©38.

Acres: 38

Existing Zoning: I-1

Recommended Euclidian Zoning: Transit Oriented Mixed-Use (TOMX) Zone

Recommended Density: 1,580 dwelling units (35-60 units/acre); 830,965 SF of retail; 1.5-2.0 FAR.

Plan Recommendations: The Metro West neighborhood is the heart of the envisioned urban village. The Plan recommends the highest densities, 1.5 to 2.0 FAR, on the west side of the Metro station, to achieve a lively, mixed-use center with a substantially residential character. The Plan also recommends retail and office uses not exceed 30% in order to ensure that residential uses dominate this area. Additionally, the Plan recommends permitting a maximum of 15 stories adjacent to the Metro station, but stepping down to a 4-story edge along Redland Road and MD 355. The Plan recommends providing a variety of open spaces including a 1.5 acre-public park, the Town Square at the Metro station (dedicated to the M-NCPPC), and a 50-foot wide linear park. Additionally, the Plan recommends requiring participation by all new development in the Urban Service District and contribution to funding a public/private community center.

Testimony: Thomas Somerville Co. wants 75 units per acre and more flexibility with the specific size and location of the amenities and parks in this area. Some individuals support a height limit of 8 stories and the concentration of residential development here.

	Units Per Acre without MPDU Bonus	Total Number Units without MPDU Bonus	Total Number Units with MPDU Bonus
Plan Recommendation	35-60*	1585	1932
Property Owner	75	2812	3430

* Unit per acre range reflects the 1.5 to 2 FAR range permitted.
Unit yield reflects a minimum of 70% housing and a maximum of 30% commercial uses.

Committee Discussion: Metro West is the property that is directly adjacent to Metro and has the greatest potential for absorbing density. The Committee agreed with the recommendation to make this the heart of the urban village and place the highest densities on this property

The Committee discussed the impact of the Transfer Station on surrounding development and the concerns of the Solid Waste Advisory Committee. The majority of the Committee was concerned about the 340 residential units directly adjacent to the Transfer Station and believed they should be moved. To provide an incentive for redevelopment of the property, the majority also believed that it would be necessary to replace any lost residential development with additional commercial development potential. After exploring numerous options to shift the residential and commercial density, the majority of the Committee supported a shift of residential density from Metro West (in the area adjacent to the Transfer Station) to Casey 7 with the provision that these units could also be transferred to Metro North and Jeremiah Park. As discussed in the section on the Technology Corridor below, the Committee also supported moving jobs from the Corridor to Metro West, both to provide an incentive for redevelopment of area adjacent to the Transfer Station and to bring those jobs closer to the Metro Station. The Committee's recommendation does not increase the Plan recommended number of residential units and results in a minor reduction in the number of jobs and therefore does not impact school capacity or other facilities. (Attached on © 39-41 is a memorandum from Park and Planning Department Staff regarding this alternative.)

Councilmember Praisner did not support the shift in residential and commercial development. She believes the residential development proposed for the site is consistent with the residential development across MD 355 (King Farm) and with the goal to add residential development close to Metro. Further she believes that these complex changes to the Planning Board's proposed master plan are unnecessary since there is no significant difference in the impact of the Transfer Station for these proposed units and those nearby.

2. Metro South

Committee Recommendation: Support Plan recommendations.

Page in Sector Plan: 37; map on ©42.

Acres: 25.5

Existing Zoning: I-1/C-3

Recommended Euclidian Zoning: New Transit Oriented Mixed-Use (TOMX) Zone

Recommended Density: 745 dwelling units (35-60 dwelling units/acre); 391,150 SF of retail; 1.5-2.0 FAR

Plan Recommendations: The Metro South neighborhood is a mixed-use residential area similar in land use character to Metro West. Existing businesses are encouraged to relocate or redevelop in the new development pattern. The Plan recommends permitting a maximum of 8 stories on interior blocks and 4 stories along Redland Road and MD 355. The Plan also recommends providing a variety of open spaces including a 50-foot wide linear urban park and abandoning the dead end portion of Paramount Drive to create a park. The Plan recommends limiting commercial uses to 30% in this area. Additionally, the Plan recommends requiring participation by all new development in the Urban Service District and contribution to funding a public/private community center.

Testimony: Thomas Somerville Co. wants 75 units per acre and more flexibility with the specific size and location of the amenities and parks in this area.

	Units Per Acre without MPDU Bonus	Total Number Units without MPDU Bonus	Total Number Units with MPDU Bonus
Plan Recommendation	35-60*	745	908
Property Owner	75	1372	1674

* Unit per acre range reflects the 1.5 to 2 FAR range permitted.
Unit yield reflects a minimum of 70% housing and a maximum of 30% commercial uses.

Committee Discussion: The Committee considered the requested increase in density but did not believe that the Plan should increase the overall residential density above that recommended in the Planning Board Draft and therefore does not supported the requested increase. The Committee believes that the public open space and amenities will be an essential part of this new community and that the Sector Plan provides an appropriate level of information (and flexibility) relating to these amenities.

3. Metro North

Committee Recommendation: Support the recommended zoning. Indicate that the library should be provided in Metro North (either on Jeremiah Park or the WMATA site). Shift 340 residential units from the Metro West properties near the Solid Waste Transfer Station, to Casey 7. Provide that these units can also be transferred to Metro North and Jeremiah Park.

The Metro North neighborhood, east of the tracks, includes the Metro property and County-owned land that is currently developed with a Ride-On bus and maintenance facility. The Plan envisions a mix of residential unit types and some office and retail uses primarily located at the Metro station. A public or public/private community center is recommended on this side of the station. The Plan identifies this neighborhood as an appropriate location for

elderly and affordable housing, on either County or WMATA property. A map of these properties is attached on ©43.

a. WMATA Property

Committee Recommendation: Support recommended zoning and density (see recommendations for library above).

Page in Sector Plan: 38-39

Acres: 41.5

Existing Zoning: I-1

Recommended Euclidian Zoning: New Transit Oriented, Mixed-Use (TOMX) Zone

Recommended Density: 700 dwelling units; 26,000 SF of retail, 1.5 FAR

Plan Recommendations: The Plan recommends relocating and expanding the existing bus facility. The Plan recommends redeveloping this property as a mixed-use residential neighborhood with a range of housing types including townhouses, apartments, and an elderly and affordable housing development. The Plan also recommends concentrating convenience retail and office uses near the Metro station to serve both commuters and residents. Additionally, the Plan recommends providing a public/private community center if a public facility is not provided. The Plan also recommends requiring participation in the Urban Service District and in funding the private community center, if one is provided. The Plan recommends maintaining building heights at 6 stories or less to form a compatible transition to the existing single-family neighborhoods to the east. However, building heights along Redland Road should not exceed 4 stories. The Plan also recommends providing varied open spaces to meet recreational needs, including several small parks and a 140-foot wide Town Commons. The Town Commons should be dedicated as a public park.

Testimony: None

b. Department of Public Works and Transportation Equipment Maintenance Operations Center and Montgomery County Public Schools Food Services Sites

Committee Recommendation: Support recommended zoning and density (see recommendations for library and other public facilities above).

Page in Sector Plan: 39

Acres: 30

Existing Zoning: I-1

Recommended Zoning: New Transit Oriented, Mixed-Use (TOMX) Zone

Recommended Density: 1,030 dwelling units; 40,000 square feet of retail.

Plan Recommendations: Relocate these facilities. Achieve a mix of market rate and affordable residential unit types including townhouses, apartments, and live-work units. Require participation in the Urban Service District. Limit building heights to 6 stories, stepping down to 4 stories along Crabbs Branch Way. Avoid locating residential units directly adjacent to the rail line.

Testimony: See comments regarding the County Services Park relocation.

Committee Discussion: The Committee reviewed proposals for the redevelopment of this site if County facilities relocate. The Committee supported the zoning for this property and believe that mixed-use redevelopment under the TOMX zone will be a better use of land adjacent to a Metro Station.

4. Metro East/Old Derwood

Plan recommendations for Old Derwood include relocating non-residential uses within the Old Derwood community to more appropriate industrial areas. Additionally, the Plan recommends permitting 4-story, multi-family development fronting Redland Road and encouraging elderly housing within the neighborhood. Appropriate sites for the elderly housing are the Vehicle Emissions Inspection Program (which is state-owned) or Derwood Bible Church properties. The Plan also recommends requiring all new development to participate in the Urban Service District and in funding a private community center, if one is provided. Finally, the Plan recommends supporting use of Transfer of Development Rights as bonus density under the provisions of PD zoning. A map for these properties is attached at ©44.

Testimony: The County Executive is supportive of the densities recommended in the Plan, but is concerned about the amount of retail included east of the rail tracks. There should be additional retail allocated. Patricia Rados thinks that the proposed density in Old Derwood is too high. She would like the proposed density to be PD-13 or lower, although she prefers R-200. She prefers the building height limit in Old Derwood to be 3 stories. She wants park and green space in Old Derwood designated as such and wants standards for traffic, air, and noise set. The Greater Shady Grove Civic Alliance supports the preservation of Old Derwood. They want the Old Derwood School, Post Office, corner market, church, the rail man apartment and many residential structures to be preserved and saved. They want protection and fences for the two cemetery lots that hold Ricketts and Crabbs family's burial sites. The Alliance also wants Victorian style street lighting in Old Derwood.

a. Derwood Bible Church Site

Committee Recommendation: Majority supports the proposed Sector Plan zoning (R200/PD-13) with additional language regarding the mix of units and compatibility with adjacent residential development. Councilmember Praisner supports R-200/PD-11. The entire Committee recommends against including the cemetery in the area to be rezoned.

Page in Sector Plan: 41; map on page 10 in the Technical Appendix.

Acres: 4

Existing Zoning: R-200

Recommended Euclidian/Floating Zoning: R-200/PD-13

Recommended Density: 52 dwelling units (13 dwelling units/acre).

Plan Recommendations: The Plan recommends maintaining the existing zoning and supporting PD-13 zoning to allow a mix of townhouses and single-family detached units to be developed. If this property is redeveloped, the Plan recommends buildings be no higher than 3 stories.

Testimony: Individuals commented that the church should not redevelop unless VEIP relocates, the church should be preserved, and the property should have a height limit of 4 stories. The Greater Shady Grove Civic Alliance, as well as some individuals, want the Bible Church property changed to a mix of townhouse and single-family homes with colonial or Victorian style houses.

Committee Discussion: Contrary to the wishes of some who testified, the Sector Plan cannot prevent the Derwood Bible Church from moving and selling their land for redevelopment. Moreover, Staff understands that they Plan to relocate regardless of the zoning recommended in the Sector Plan. This property is southeast of the area recommended for PD-35 zoning and west of an apartment complex in a PD-2 zone. The property directly to the southwest is zoned R-200 (See Hoskinson/Schwartz House on page 10 in the Technical Appendix.) The Plan's PD-13 zoning is recommended to create a transition from this higher density zoning to the zoning to the south and east. After reviewing the surrounding development and being assured by Park and Planning Staff that a PD-13 development would be compatible with existing development, the majority supported the Plan's recommendation but suggests strengthening the compatibility language. Councilmember Praisner believes it would be preferable to recommend PD-11 zoning to assure compatibility.

b. Vehicle Emissions Inspection Program Station

Committee Recommendation: Support the Sector Plan zoning. Add language stating that if VEIP remains at its current site, the State should consider alternative access options which minimize impact on the surrounding community.

Page in Sector Plan: 41; map on page 10 in the Technical Appendix.

Acres: 3

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: R-90/PD-35

Recommended Density: 100 dwelling units (35 dwelling units/acre).

Plan Recommendations: The Plan recommends supporting residential development of this property and elderly housing under special exception provisions. The Plan also recommends that building heights not exceed 4 stories. Housing development would require relocating the Vehicle Emissions Inspection Program Station (VEIP).

Testimony: The Greater Shady Grove Civic Alliance, as well as a few individuals, wants VEIP to relocate or at least to have the access to it from Redland Road. Additionally, they support rezoning I-1 properties to residential single family and townhouses, with height limits of 4 stories. They want this property changed to a mix of townhouse and single-family homes with colonial or Victorian style houses. Some individuals commented that they would be opposed to allowing Somerville to develop unless VEIP is relocated.

Committee Recommendation: The Committee supports the Plan recommendation to rezone this property residential at 35 units per acre with a 4-story limit. It is not within the Council's authority to require the relocation of the VEIP since it is a state facility. The Committee

recommends adding language to the Plan to encourage them to change the access to the facility to minimize impact on the community.

c. Thomas Somerville Site

Committee Recommendation: Support the Sector Plan recommendations.

Page in Sector Plan: 41; map on page 10 in the Technical Appendix.

Acres: 4

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: R-90/PD-35

Recommended Density: 145 dwelling units (35 dwelling units/acre).

Plan Recommendations: This vacant site is divided into two parcels by Yellowstone Way. The Plan recommends building heights along Redland Road be limited to 4 stories. The Plan recommends that single family detached or duplex units should front Chieftain Avenue and should be no higher than 3 stories.

Testimony: Thomas Somerville Co. wants at least 60 units/acre (PD-60, PD-68, or PD-75) and more flexibility in the Plan with respect to the height recommendation (they prefer a 6-story recommendation). The Greater Shady Grove Civic Alliance, and some individuals, support rezoning I-1 properties to residential single family and townhouses, with height limits of 4 stories. They want this property changed to a mix of townhouse and single-family homes with colonial or Victorian style houses. Individuals commented that they are opposed to allowing this site to redevelop unless VEIP is relocated and they want a higher percentage of townhomes with fewer apartments and condominiums.

	Units Per Acre without MPDU Bonus	Total Number Units without MPDU Bonus	Total Number Units with MPDU Bonus
Plan Recommendation	35	145	177
Property Owner	60	252	307

Committee Discussion: The Committee considered options for increasing the density on this site but did not want to increase the overall residential density of the Plan. Committee Members also raised concerns about increasing the density on a site that is adjacent to R-200 development and the VEIP property which is recommended for PD-35 zoning.

d. The Derwood Store and Post Office

Committee Recommendation: Support Sector Plan recommendations.

Page in Sector Plan: 41; map on page 10 in the Technical Appendix.

Acres: 11,580 SF

Existing Zoning: R-200

Recommended Euclidian/Floating Zoning: R-200/PD-22

Recommended Density: 6 dwelling units max.

Plan Recommendations: This building is included in the Locational Atlas and the Sector Plan recommends that it be considered for inclusion in the Master Plan for Historic Preservation. The Plan recommends PD-22 to allow residential units in the historic structure. It also supports a waiver of PD setbacks from R-200 adjacent homes.

Testimony: Individuals commented that they want these properties to be preserved and added to the Locational Atlas only if (1) it is used for residential housing (duplex, triplex, or six or less apartments) with off street parking and is appropriately landscaped, and (2) if the current nonconforming use is eliminated.

Committee Discussion: The Committee supports the Sector Plan's recommendation and believes that it provides an appropriate incentive to redevelop the interior of the structure while preserving the historic exterior. See section on historic preservation below.

e. Derwood Business Center

Committee Recommendation: Support Sector Plan's I-1/RT-6 zoning.

Page in Sector Plan: 42; map on page 10 in the Technical Appendix (Derwood Industrial).

Acres: 2.5

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: I-1/RT-6

Recommended Density: 15 dwelling units (6 dwelling units/acre)

Plan Recommendations: Retain existing I-1 zoning, but allow redevelopment for housing under the RT-6 zone.

Testimony: The Greater Shady Grove Civic Alliance, and a few individuals, support rezoning I-1 properties to residential single family and townhouses, with height limits of 4 stories. They want this property changed to a mix of townhouse and single-family homes with colonial or Victorian style houses.

Committee Discussion: The Committee supported the goals of the Sector Plan to encourage redevelopment of these properties as housing and the zoning recommendations to maintain the I-1 zoning with an option for redevelopment under the RT-6 zone. The Committee did not support rezoning the properties to a residential zone and making the existing uses non-conforming.

D. Shady Grove Road Technology Corridor

Committee Recommendation: Clarify that all properties recommended for the I-3 floating zone have an R&D Euclidian base zone. Change a portion of the Technology Corridor to be part of a new Upper Mill Creek Area to highlight that this area could develop with a mix of uses. Shift 447 jobs from properties along Shady Grove Road to the area adjacent to the Transfer Station.

Plan recommendation: The Plan creates a Technology Corridor from MD 355 to Crabbs Branch Way, relocates the County Service Park's industrial uses to allow mixed-use residential development, and preserves existing communities east of I-370. The Plan's objectives include creating opportunities for advanced technology and biotechnology businesses along Shady Grove Road and relocating the corridor's current industrial uses to more appropriate locations to change the character of the roadway. Building heights are established at five stories, achieving a mid-rise character within the corridor.

General Testimony: The County Executive is supportive of the designation of the Technology Corridor for industrial uses, with housing only included on sites where compatibility for nonresidential uses can be assured. Pat Labuda supports the technology corridor.

Committee Discussion: The Committee asked several questions about the proposed rezoning of properties in the Technology Corridor related to the different uses allowed in the I-1 and I-3 zones, whether the I-3 zone would be more likely to create a "technology corridor" and the amount and distribution of I-1 zoning located elsewhere in the County. Extensive analyses of these issues were presented to the Committee and are available in the staff memoranda for the Committee worksessions and are not repeated here. The Committee also believed that it was misleading to characterize the Casey 6, Casey 7 and Robert's Oxygen property as part of the Technology Corridor since those properties could develop residential or could be the future location of County facilities. Instead the Committee believed the Plan needed a more defined vision that included the multi-use opportunities these sites offer. The Committee supported the creation of a new district to be called the Upper Mill Creek Area for properties east of the CSX tracks and north of Shady Grove Road. Multiple use options recommended for these properties remained unchanged. A graphic which displays the new areas is shown on ©1A.

To create an incentive for the area adjacent to the transfer station to redevelop without residential development and to move jobs closer to the Metro Station, the Committee recommends shifting density from properties in the Technology Corridor. This will be accomplished by reducing floor area ratios (FARs) from the following properties and increasing the commercial FAR on the Metro West site adjacent to the Transfer Station.

Parcel	Planning Board Draft FAR	Committee Recommended FAR
Great Indoors	0.50	0.35
Post Office	0.50	0.35
Roberts Oxygen	0.40	0.30
Casey 7	0.50	0.30
Department of Liquor Control	262,000 SF*	133,250 SF*

* FAR can no longer be calculated for Department of Liquor Control because it is no longer a distinct parcel since it has been included in Metro North. The decrease in square footage is based primarily on the change from industrial to office use and will result in a decrease of 47 jobs (from 680 jobs to 633 jobs) that can be shifted to Metro West.

1. Shady Grove Plaza

Committee Recommendation: Support Sector Plan recommendations.

Page in Sector Plan: 25

Acres: 29

Existing Zoning: C-3, TSM, OM

Recommended Floating Zoning: C-3, TSM, OM

Recommended Density: 255,190 SF, 0.2 FAR

Plan Recommendations: The Plan recommends that any redevelopment within the commercial area be street-oriented, with direct and safe pedestrian access, and increased shade trees. The Plan recommends maintaining the existing commercial and mixed-use zoning.

Testimony: None

2. Casey Property #2

Committee Recommendation: Support Sector Plan recommendations.

Page in Sector Plan: 25-26

Acres: 5

Existing Zoning: R-20

Recommended Euclidian/Floating Zoning: R&D/I-3

Recommended Density: 100,000 SF, 0.5 FAR

Plan Recommendations: The Plan recommends providing technology, research and development, or office uses to help establish the technology corridor. The Plan recommends the rezoning in order to allow employment instead of residential development.

Testimony: Betty Brown Casey, the owner of the property, supports the Plan recommendation.

3. Casey Property #3

Committee Recommendation: The Committee supports the recommended zoning and the references to the fire station but recommends that the language in the Plan be amended to indicate that there are constraints on this site without specifying the developable area or prohibiting development along MD 355. (These issues will be addressed at the time of development when more detailed environmental analyses are available.)

Page in Sector Plan: 26, 89, and 93

Acres: 13.5

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: R&D/I-3

Recommended Density: 294,000 SF, 0.5 FAR

Plan Recommendations: The Plan recommends providing technology, research and development, and office uses to create a technology corridor. The Plan does not recommend housing on this site because of the proximity to the Solid Waste Transfer Station but does

recommend a change in the industrial zoning. The Plan notes that this site is also appropriate for a fire station and suggests that the station be placed on the east side of the property due to extensive environmental constraints on the west side. The Plan also recommends prohibiting development along MD 355 due to traffic and environmental conflicts.

Testimony: The County Executive believes more land is needed for a larger facility to consolidate different Fire and Rescue facilities. Therefore, the Executive wants the entire 13-acre property for this purpose rather than the 6-7 acres mentioned in the Plan. Betty Brown Casey, the owner of the property, does not think the placement of a major fire and rescue facility is appropriate and identifying this site for a fire-rescue station may violate the procedures for the Site Selection Process set forth in the Fire-Rescue Master Plan Draft. She also requests the existing I-1 zone be left intact and wants the Council to delete the recommendations prohibiting development and recommending a forest reserve along MD 355.

Committee Discussion: There are 3 issues identified for this site: zoning, environmental constraints and the fire and rescue recommendation. The Committee supports the Plan's recommendations for R&D/I-3 zoning, which is consistent with the zoning recommendations for the other properties in the Technology corridor. The Committee does not support the request to retain the I-1 zoning and believes I-1 development would be inconsistent with the Plan's goals for this area. There is a stream on this property which will require a stream buffer and limit the developable area. Contrary to the Executive's request, it will not be possible to develop the entire 13 acres. It is unclear exactly what area will remain after environmental constraints are addressed. The Committee believes that it is premature for the Plan to conclude that only 6-7 acres can be developed (see page 89) and recommends that the language be changed to indicate that environmental constraints will limit the developable area without specifying the area. While it may be preferable to discourage development along MD 355 for environmental and traffic reasons, the Committee believes the Plan should not prohibit development at this location to provide some flexibility and allow the Planning Board to make this determination at time of development.

The property owner disagreed with the recommendation to identify a fire station at this site and questioned whether a designation should wait until a site selection process has been completed. However the Fire and Rescue Department's "Strategic Plan for the Implementation of Fire, Rescue, EMS, and Community Risk Reduction Master Plan Priorities" (November 18, 2004) specifically notes the vital importance of acquiring available land at Shady Grove Road and Route 355 for a station and other facilities. Fire and Rescue Staff indicate that although they will go through a site selection process, during their information assessment of potential sites they have not been able to identify any other viable sites. The Committee does not support the request to delete this language from the Plan.

4. Great Indoors Site (Sears Property)

Committee Recommendation: Limit development I-3 to the Standard Method of Development with a 0.30 FAR.

Page in Sector Plan: 26, 103.

Acres: 13.5

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: R&D/I-3

Recommended Density: 294,000 SF, 0.5 FAR

Plan Recommendations: The Plan recommends providing technology, research and development, and office uses to create a technology corridor. The Plan does not recommend housing on this site because of the proximity to the Solid Waste Transfer Station. A zoning text amendment (ZTA) is proposed to grandfather the existing use that would become non-conforming with the rezoning. Committee recommendations regarding ZTA 05-06 are provided in a separate memorandum.

Testimony: None

Committee Recommendation: Reduce FAR as part of shift of commercial density to Metro West.

5. Post Office Site

Committee Recommendation: Support Sector Plan recommended zoning and reduce maximum FAR to 0.35 as part of effort to shift density to Metro West and move jobs closer to Metro.

Page in Sector Plan: 26, 103.

Acres: 13.5

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: R&D/I-3

Recommended Density: 260,000 SF, 0.5 FAR

Plan Recommendations: The Plan recommends providing technology, research and development, and office uses to create a technology corridor. The Plan recommends rezoning in order to allow for advanced technology and biotechnology employment and notes that housing is not appropriate for this site.

Testimony: None

6. Casey Property #6 & #7

Committee Recommendation: The Sector Plan should remain neutral as to the potential location of County Service Park facilities and identify Casey 6 and 7 as one option rather than the preferred option. As part of effort to shift residential density away from the area adjacent to the transfer station and add jobs there in its place, The Committee recommends transferring 330 jobs from Casey 7 (by reducing the FAR from 0.5 to 0.3) and adding 340 residential units from the Metro West properties. (These units could alternatively be transferred to Metro North and Jeremiah Park.) Add language to the Plan to indicate that the preferred location for an ICC maintenance facility is publicly-owned property or property that will not conflict with relocation of the CSP.

Page in Sector Plan: 26-27, 103.

Acres: 42

Existing Zoning: I-1

Recommended Euclidian/Floating Zoning: Casey 6: I-3. Casey 7: I-3/ with a PD-18 option

Recommended Density: 697,000 SF, 0.3 FAR 130 dwelling units (Casey 6) and 0.5 FAR with up to 18 units per acre (Casey 7)

Plan Recommendations: The Plan endorses relocating the County Service Park facilities to these sites. If the County Service Park is not relocated here, the Plan recommends office, technology, and research and development uses to extend the technology corridor. Housing is also appropriate given the convenience to shopping at The Grove. The recommended density is 0.3 FAR (130 dwelling units max.) on Casey 6 and 0.5 FAR for Casey 7 (with up to 306 units). The Plan recommends limiting building heights to 4 stories for Casey 6 and 5 stories for Casey 7. The Plan also recommends use of TDR bonus density on Casey 7. If the County Service Park is not relocated here, a local park on the northwestern portion of Casey 6 will be required.

Testimony: Eakin/Youngentob Associates and RST Development support the Sector Plan recommendations for this site. They prefer to see the County Services Park relocate to this property. Alternatively, they support the alternative recommendation for housing, R&D employment, and a park on these sites.

Committee Discussion: The Committee supports the recommendation for these properties but recommends revising the zoning recommendation to include R&D as the base Euclidian zone. (The I-3 floating zone can be applied at the time of the Sectional Map Amendment (SMA) but the Sector Plan should include a base Euclidian zone if for some reason the property owner chooses not to exercise this option when the SMA is prepared.) The Committee believes that the Plan should indicate that this is one potential location for the County Services Park, but not state that it is the preferred site.

Park and Planning Department Staff were recently informed by the Maryland Transportation Authority (MDTA) that they needed to locate a small maintenance facility in the Shady Grove Sector Plan vicinity to provide roadway maintenance for the Intercounty Connector (ICC). Attached at ©45 is a memorandum from Planning Staff on this issue. The State is considering several sites including Casey 7. The Committee recommends that the following language be adding to the Sector Plan discussion of the Casey Properties (Vacant Sites 6 and 7):

- Encourage any ICC maintenance facilities to be located on stated-owned land or on property that does not reduce relocation opportunities for the County Service Park. Casey 6 and 7 are not preferred sites given the possibility that County Services may be relocated to these properties. If Casey 6 or 7 are the only feasible locations for the ICC's maintenance facility, state facilities should be integrated with County facilities to maximize efficiency of layout and avoid separate and duplicating facilities.

7. Department of Liquor Control Warehouse

Committee Recommendation: Make this property part of Metro North instead of the Technology Corridor and rezone it to TOMX to allow comprehensive redevelopment of the facilities in the vicinity of the County Service Park.

Page in Sector Plan: 27

Acres: 15

Existing Zoning: I-1

Recommended Zoning: R&D/I-3

Plan Recommendations: Permit either technology uses or housing to be developed on this property. Connect to the local street system. Mitigate noise from CSX trains by building location, noise walls, garage location, and acoustical measures.

Testimony: See comments regarding the County Services Park relocation.

Committee Discussion: Although this property was identified in the Plan as part of the Technology Corridor (see map on page 24), it is directly adjacent to the Metro North and Jeremiah park areas that will be redeveloped under the TOMX zone if the CSP relocates. The Committee believed that it made more sense to make this site part of Metro North and use the same zone to facilitate comprehensive development applying the standards of the TOMX zone.

E. Buffer Area

Committee Recommendation: Add to the Plan a map of the buffer area, shown on ©45A. Rename buffer area "transitional area" to more appropriately reflect its function.

The Plan strives to achieve compatible uses within the buffer to create a desirable transition to the Derwood communities and provide recreational opportunities in this area and increase lower-density housing opportunities, such as townhouses, as a compatible transition to the Derwood communities. Buffer area properties are described below.

1. Casey at Mill Creek

The Plan's recommendations to site an elementary school on this property are discussed above under the public facilities portion of the memorandum:

Committee Recommendation: Support the Sector Plan recommendations.

Page in Master Plan: 45, 103.

Acres: 58 (including 9 acre school site and 13 acre Legacy Open Space site).

Existing Zoning: R-90

Recommended Zoning: R-90

Plan Recommendations: Designate a Legacy Open Space (LOS) site to protect the existing meadow adjacent to the Town of Washington Grove. Provide a neighborhood park for passive recreation connected to the LOS site and proposed elementary school via a trail. Achieve a bike trail connection from Amity Drive to Washington Grove.

The PHED Committee requested background information on the LOS designation. A Planning Staff memorandum attached at ©8-12 establishes the context surrounding the designation of the LOS site. The meadow fulfilled several LOS criteria, including that the property has countywide and national significance in terms of its association with the Town of Washington Grove. Because of this association, the 13-acre parcel contributes to the LOS program's heritage theme of the Rail Community Cluster. The site was also designated to serve as a "protective buffer" to Washington Grove.

Testimony: See comments above, under school location, for testimony regarding this property.

Committee Discussion: The Committee supported the zoning for this property and focused its discussion on the location of the elementary school site (described above) and the LOS designation. After discussing options for placing the school in part or entirely on the LOS site, the Committee decided that the school should be placed either in Jeremiah Park or on the site identified by the Planning Board, which maintain the entire LOS site as an open field.

2. The Grove Shopping Center

Committee Recommendation: Clarify the number and type of housing units allowed under the standard and optional method of development. Allow a maximum of 300 units including MPDUs under the standard method and an additional 120 units of elderly housing under the optional method.

Page in Sector Plan: 45

Acres: 21

Existing Zoning: C-1

Recommended Euclidian Zoning: RMX-2C

Recommended Density: 274,500 SF, 0.3 FAR (commercial only)/0.7 FAR (commercial and residential); 300 dwelling units.

Plan Recommendations: The Plan recommends supporting optional method development only for senior housing. The Plan recommends integrating residential development within the mixed-use commercial center. The Plan also recommends various methods to make the site more pedestrian friendly.

Testimony: Rockville Development Corporation, the owner of the shopping center, support the overall recommendation and the RMX-2C zoning, but prefers that the recommendation not limit the optional method housing to seniors.

Committee Recommendation: The Committee supports the Sector Plan recommendation for this site and supports the strategy to co-locate senior housing with a neighborhood shopping center. This provides seniors with easy access to retail and necessary services and adds to the vitality of the center without exacerbating school capacity issues or peak hour traffic. The Committee believes that the language in the Plan needs to be clarified to indicate that a maximum of 300 units (including MPDUs) would be allowed under the standard method and an additional 120 units of elderly housing under the optional method

3. Jeremiah Park (including MCPS Bus Depot and Maintenance Facility and M-NCPPC Park Maintenance Facility)

Committee Recommendation: Change the zoning from R-90/PD-15 to TOMX and add guidelines to limit development to what would have been allowed under PD-15. (Public facility recommendations are discussed above and include identifying Jeremiah Park as a recommended location for an elementary school, retaining a 4-acre park on Jeremiah Park and indicating that the library should be provided in Metro North (either on Jeremiah Park or the WMATA site).

Page in Sector Plan: 47

Existing Zoning: R-200

Recommended Euclidian/Floating Zoning: R-90/PD-15

Recommended Density: 640 dwelling units

Plan Recommendations:

MCPS facilities: Relocate the MCPS bus depot and MCPS central maintenance facility to another location. Provide at least a 10 acre park and a library. Integrate multi-family units with development of civic uses. Locate townhouses along the eastern end. Create an afforestation area along

M-NCPPC facility: Relocate existing facility to a different location and locate townhouses here. Locate street oriented townhouses along Crabbs Branch Way. Create an afforestation area.

Testimony: The Committee received a request from the partnership hoping to redevelop the County Service Park (Miller and Smith and Eakin/Youngentob) to consider placing the new TOMX zone over the entire property instead of having it zoned partially TOMX and partially PD-15.

Committee Discussion: The Committee supports the Sector Plan goals for the redevelopment of this area if the County facilities are relocated. The Committee also supported the request to but cautions that new Sector Plan language must be carefully written to ensure the same level of development and mix of uses that would have occurred with the PD zone.

4. Stormwater Management Pond

Committee Recommendation: Support Sector Plan recommendations.

Page in Sector Plan: 48

Existing Zoning: R-90

Recommended Euclidian/Floating Zoning: R-90

Recommended Density: R-90

Plan Recommendations: The Plan recommends maintaining the current zoning and County ownership. The Plan calls for park facilities to be developed and maintained by M-NCPPC while stormwater management is maintained by the County. The Plan recommends developing the pond as a passive recreation facility, but it should not interfere with the pond's environmental function.

Testimony: None

F. Crabbs Branch Office Industrial Park

Committee Recommendation: Support Sector Plan recommendations.

Page in Sector Plan: 48, 103; map on ©46.

Acres: 113 (all properties)

Existing Zoning: I-1

Recommended Euclidian Zoning: I-1

Recommended Density: 1,830,600 SF, .37 FAR.

Plan Recommendations: This existing industrial park houses a variety of advanced technology, biotechnology, and light industrial businesses. A few small parcels remain undeveloped and there is limited redevelopment potential. The Plan recommends maintaining the existing I-1 zoning and amending the I-1 zone to allow additional business support services.

Testimony: PS Business Parks supports the recommendation to maintain the I-1 zone. They request that the Implementation Section of the Draft Sector Plan be amended to permit one of the business support services uses to be implemented prior to the establishment of the Transportation Management District and request that the Transportation Elements section be amended to recommend a traffic signal at the intersection of Crabbs Branch Way and Standish Place.

Committee Recommendation: Support the Sector Plan zoning recommendation. (Staging issues will be addressed at a later date.) Master plans should not include recommendations on traffic lights.

G. MD 355 Corridor

Committee Recommendation: Support Zoning and delete references to the zoning text amendment to require streetscaping in the I-1 zone since the Committee does not recommend approval of this zoning text amendment.

Page in Sector Plan: 48; map on ©47.

Acres: 34.5

Existing Zoning: I-1

Recommended Zoning: Transit Oriented, Mixed-Use (TOMX) Zone & I-1

Recommended Density: 290,943 SF, 0.19 FAR

Plan Recommendations: A portion of 355 goes through the Metro neighborhoods. The Sector Plan recommends rezoning this portion to the new Transit Oriented, Mixed-Use (TOMX) Zone. A second portion of 355 is south of the Metro neighborhoods. The Sector Plan recommends maintaining the I-1 zone and amending it to support streetscape improvements recommended in the Sector Plan. The Plan also recommends amending the I-1 zone to allow housing and limited supporting commercial uses.

Testimony: ROYCO objects to the streetscape requirements. They want the Sector Plan to provide that the text amendment to the I-1 zone provide for the implementation of the streetscape improvements at the time that the properties redevelop for mixed uses or a residential use. They are concerned about the recommendation to increase the right-of-way in the MD 355 South segment of the corridor to 150 feet. They urge that language be added to the Plan to provide flexibility in the requirements for streetscape improvements to accommodate properties with differing site characteristics. Eastern Diversified Properties (EDP) is concerned about the streetscape plan. They request that exemptions and grandfathering be granted for future repairs, renovations, expansion and reconstruction of uses, buildings and improvements on existing dealership properties. EDP also opposes locating the Corridor Cities Transitway (CCT) Facility within the Plan area in general and particularly on the Nissan Dealership Property or 355 Toyota Property. The Council also received testimony from residents expressing their concern that that dealerships frequently park in prohibited areas and are not in compliance with existing requirements to set back parking 10 feet from the right-of-way. (Although paved parking is set back, the dealerships often park cars on areas intended for landscaping.)

Committee Discussion: The Committee's recommendations regarding the proposed zoning text amendment to require streetscaping in the I-1 zone is summarized in a separate memorandum. The Committee recommends amending the Sector Plan to conform to delete references to streetscaping requirements which surpass existing requirements.

H. Oakmont Industrial Park

1. General Properties

Committee Recommendation: Support Sector Plan recommendations.

Page in Sector Plan: 49-50, 103; map at © 48

Acres: 49.5 (all properties)

Existing Zoning: I-1

Recommended Euclidian Zoning: I-1

Recommended Density: I-1

Plan Recommendations: The Plan does not recommend any change in zoning for this existing Industrial Park but does recommend limiting its impact on neighboring communities including

limiting building heights on properties adjacent to Washington Grove to 42 feet, with a 50-foot setback for landscape buffering.

Testimony: None

Staff Analysis: Support the Sector Plan recommendation.

2. Robert's Oxygen

Committee Recommendation: Rezone to I-3, but grandfather the existing use and allow it to develop under the standards of the I-1 zone, provided that a site plan is submitted which conforms to the height and buffering requirements in the Sector Plan. Reduce maximum FAR to from 0.40 to 0.35 as part of effort to shift density to Metro West and move jobs closer to Metro.

Page in Sector Plan: 49, 103; map on © 48

Acres: 12.9 acres

Existing Zoning: I-1

Recommended Euclidian Zoning: I-1 (no change)

Recommended Density: 234,585 SF; .4 FAR

Plan Recommendations: Within the Oakmont Industrial Park, the Plan recommends maintaining the existing zoning; upgrading Oakmont Avenue to County standards with sidewalks and streetscape improvements to improve pedestrian access to transit, mitigating environmental impacts; allowing a new bridge over the CSX tracks and street connection to Oakmont Avenue to be constructed if needed to serve public facilities; and limiting building heights adjacent to Washington Grove to 42 feet, with a 50-foot setback for landscape buffering.

Testimony: Staff received a letter from Shelley Winkler recommending that this parcel not be maintained as I-1 since it abuts a street of single family homes on one side and to the northwest a parcel is zoned for single family homes. She recommends down-zoning this property; establishing a height limit of not more than 3 stories along the tracks, stepping down to 2 stories away from the tracks; and including a sufficient landscaped buffer between new development and the existing homes. She also notes that while the Plan recommends a 50 foot setback with a 42-foot maximum height, that height could overwhelm the 2-story adjacent homes.

Committee Discussion: Although the building on the Robert's Oxygen site is set back from the Washington Grove Community, redevelopment of this site up to the full potential allowed by the I-1 zone would present a significant compatibility problem with the adjacent Washington Grove Community. Moreover, the I-1 zone does not require site plan review under the heights proposed in the Sector Plan, making it difficult or impossible to address compatibility issues during the development process. (It is unclear whether the applicant could be required to follow the height and setback requirements in the Sector Plan if they differ from those required in this Euclidean zone.) The Committee recommends rezoning this property to R&D/I-3. This zoning would be consistent with the recommendation for the adjacent Casey 6 property, require site plan (under I-3 development) and could even allow the possibility of some residential development adjacent to Washington Grove. The Committee also proposes a zoning text amendment

(ZTA-05-09) to assure that the existing use does not become non-conforming. This would grandfather the existing use, but would prevent inappropriate expansion inconsistent with the adjacent neighborhoods. (Committee review of the ZTA is scheduled for September 7.)

VII. AREA-WIDE ELEMENTS

Public Facilities are discussed above. Other Area-Wide Elements include Transportation, Historic Preservation and the Environment.

A. Transportation

The transportation chapter of the Final Draft Shady Grove Sector Plan appears on page 59-80. The Executive's Fiscal Impact Statement (©49-53) costs out certain transportation recommendations in the Draft Plan at about \$122 million. Other major improvements in the vicinity—such as the Intercounty Connector, and the extension of M-83, and the reconstruction of MD 355 as an urban boulevard—are not included because they would be built by the State and/or they are projects of regional need. No engineering has been conducted for these projects, so the cost estimate may be higher by 50% or lower by 40% than what is shown.

Most of the elements discussed in this memo are those about which there is some disagreement with the Final Draft expressed by the Executive (©54), the Department of Public Works and Transportation, public testimony, or Council staff. Some purely technical corrections will be made to the final document, but they are not identified in this memorandum.

The major comments raised by Department of Public Works and Transportation (some of which are reflected in the Executive's testimony) were initially raised by DPWT in response to the Public Hearing Draft of the plan (©55-62).

As background, the PHED Committee asked for an inventory of existing and programmed transportation infrastructure and services in the Sector Plan area:

- The existing roads are those identified on pages 71-73 of the plan, with the exception of the streets and street-extensions planned within the Metro Neighborhoods, the Intercounty Connector, and the ramps between the Metro Access Road and Crabbs Branch Way.
- The existing sidewalks and bike paths are displayed on page 64 and page 65, respectively.
- Metrorail trains (generally 6-car trains) arrive at and leave from the Shady Grove Metro Station every 5 minutes during peak-hours, less often (and often in 4-car consists) at other times.
- There is no MARC service within the Sector Plan area, although just north of the boundary is the Washington Grove MARC Station, where three trains stop southbound in the morning and four trains stop northbound in the evening. There is also a flag stop for a northbound early-afternoon train.

- The Shady Grove Metro Station is served by 24 bus routes: 22 Ride On routes, one Metrobus route, and one MTA route. The headway information below is the most prevalent; there is often some variation both within the peak and off-peak.

Route	Origin	Destination	Peak Headway	Off-Peak Headway
43	Traville Transit Ctr	Shady Grove Metro	15 min.	20-30 min.
46	Shady Grove Metro	Medical Ctr Metro	(No service)	30 min. (late night)
53	Shady Grove Metro	Glenmont Metro	15 min.	(No service)
55	Dorsey Mill	Rockville Metro	15-20 min.	20-30 min.
57	Lakeforest Mall	Shady Grove Metro	15 min.	20 min.
58	Lakeforest Mall	Shady Grove Metro	25-30 min.	30 min.
59	Montgomery Village	Rockville Metro	15 min.	30 min.
60	Montgomery Village	Shady Grove Metro	20 min.	(No service)
61	Germantown-MC	Shady Grove Metro	30 min.	30 min.
63	Shady Grove Metro	Rockville Metro	30 min.	30 min.
64	Montgomery Village	Shady Grove Metro	30 min.	30 min.
65	Montgomery Village	Shady Grove Metro	30 min.	(No service)
66	Traville Transit Ctr	Shady Grove Metro	30 min.	(No service)
67	Traville Transit Ctr	Shady Grove Metro	30 min.	(No service)
71	Kingsview P&R	Shady Grove Metro	30 min.	(No service)
74	Germantown T.C.	Shady Grove Metro	30 min.	30 min.
76	Poolesville/Q. Orch.	Shady Grove Metro	30 min.	30 min.
78	Kingsview P&R	Shady Grove Metro	30 min.	(No service)
79	Milestone	Shady Grove Metro	30 min.	(No service)
90	Damascus/Milestone	Shady Grove Metro	30 min.	30 min.
100	Germantown T.C.	Shady Grove Metro	5 min.	15 min.
124	I-270/MD 124 P&R	Shady Grove Metro	30 min.	(No service)
Q2	Shady Grove Metro	Silver Spring Metro	8-10 min.	15 min.
991	Hagerstown/Frederick	Rock Spring Park	15 min.	(No service)

The Council has programmed Redland Road to be widened between Crabbs Branch Way and Needwood Road by FY07 at a cost of about \$3.4 million, including added turning lanes at each end, and a shared use path on the north side of Redland Road and the east side of Needwood Road (©63-64). The State has selected its preferred alternate for the Intercounty Connector; although not yet programmed for construction, the Maryland Department of Transportation's objective is to begin construction in the fall of 2006. DPWT is conducting a facility planning study for a sidewalk along Redland Road between Needwood and Muncaster Mill Road. The Council has approved a CIP amendment that would fund construction of shared use path B-7 along the Metro Access Road by FY08 at a cost of about \$2.7 million; it will connect Shady Grove Road with the Shady Grove Metro Station (©65-66).

1. Restrict Metro parking (p. 61). The Staff Draft had recommended capping Metro Station parking at 6,000 spaces, somewhat higher than the current 5,467 spaces, a position supported by several surrounding communities. The traffic forecasts for the Final Draft plan, however, assumed an increase to 7,200 spaces. DPWT and WMATA recommend not capping parking, noting that as an end-of-the-line station Shady Grove must serve many potential Metro patrons who cannot reach the system except by car. The Final Draft attempts to walk a fine line between

these two positions by allowing an increase in Metro parking “if such parking does not displace or negatively affect housing opportunities and does not contribute to local intersection congestion” (p. 61).

Council staff cannot see a circumstance where the latter condition is possible. Increasing parking would not lead to more congestion if all of the incremental traffic were to arrive via I-370, but that will not be the case. Some of it is bound to pass through the Shady Grove Road/MD 355 intersection or the Shady Grove Road/Midcounty Highway intersection, both of which are at or above capacity even with the additional turning lanes that are suggested in the Supplemental Technical Information report. To meet the Board’s condition, to provide more than 7,200 spaces would require WMATA to provide offsetting mitigation for these intersections. But this mitigation will be needed to address the growth in through traffic and traffic from the planned development.

Committee (and Council staff) Recommendation (2-1): Councilmembers Silverman and Praisner recommend limiting long-term Metro parking to 7,200 spaces if such parking neither displaces nor negatively affects housing opportunities. The slack could be taken up by providing more general bus service to the Metro Station, particularly shuttle bus service such as the shuttle from the I-270 lots at MD 124 and MD 117. **Councilmember Floreen agrees with DPWT and WMATA that there should not be a limit.** She points out that as an end-of-line station, Shady Grove needs to be able to accommodate park-and-riders from far-flung areas not readily served by buses.

2. Corridor Cities Transitway: mode (p. 61). The Final Draft refers to the CCT as a light rail transit line, pending confirmation of mode preference by the County Council. The Executive recommends continuing to refer to the CCT generically as a transitway, which would leave the option that it be either a busway or light rail.

Committee (and Council staff) Recommendation (3-0): Concur with the Executive. The Draft Environmental Impact Statement released three years ago studied both a busway and a light rail option, but the Maryland Transit Administration has undertaken a comprehensive revision of the DEIS which has not yet been completed. While the Council has supported the CCT, it has not yet taken a position on the mode, and this should be done when the revised DEIS is completed. Referring to the CCT as a light rail line “pending confirmation of mode preference by the County Council” would have the plan imply that the Council has already made its decision and that its upcoming deliberations will only be a formality.

3. Corridor Cities Transitway: yard and shop (p. 61). MTA has retained for detailed study eight alternative yard and shop sites: two near COMSAT in Clarksburg, three at Metropolitan Grove, and three at Shady Grove. The three Shady Grove sites are Sites #1 (for which there are four sub-options), #3, and #5, which are shown on ©67-73. Site #1 is on the location of Eastern Diversified Properties’ Nissan and Toyota auto dealerships; Eastern Diversified’s opposition to any Site #1 option is expressed in its letter on ©74-82. Site #3 would be in the midst of the County Service Park/Jeremiah Park development pod, and Site #5 would absorb most of the Metro West pod.

The Draft Plan does not support locating the light rail yard and shop at Shady Grove. This position is supported by several communities around Shady Grove and by businesses on potential yard and shop sites. The Executive supports leaving the option open, suggesting that a first stage of the CCT might stop short of Metropolitan Grove, so requiring a yard and shop at Shady Grove.

Committee (and Council staff) recommendation (3-0): Concur with the Final Draft. First of all, if the CCT were to be a busway, this issue is moot. Second, MTA is not studying any CCT segment that runs short of Metropolitan Grove. Finally, even if the plan recommends the yard and shop be elsewhere, MTA has the authority to place it at Shady Grove if it wishes. Therefore, there is no downside to the Council declaring its clear preference that the yard and shop not be sited in this future mixed-use center.

4. Transit easement along CSX (p. 62). The Final Draft would retain the 50'-wide transit easement that runs along the west side of the CSX tracks north of the Metro station to Metropolitan Grove. This easement was initially planned for a future extension of Metrorail or as a route for the Corridor Cities Transitway. Since then the route of the CCT has been master-planned to take a more westerly route, returning to the CSX line at Metropolitan Grove. Nevertheless, WMATA and most others who have weighed in on this issue support retaining the easement. Furthermore, the Final Draft recommends conducting a study of an additional transit mode along this easement—such as expanded Metro service or monorail—after the CCT has been open for two years.

The Executive opposes retaining the easement. The Transportation Policy Report assumes neither the CCT nor a Metro extension on this easement. There is a cost to retaining it. Potentially the purchase of the Young and Hershey properties along Oakmont Avenue will be needed to protect it. A new or replacement structure for the Deer Park Road bridge (currently in facility planning) would have to be longer—and thus probably more expensive and impactive—if it has to span the additional 50 feet.

Committee Recommendation (2-1): Councilmembers Silverman and Praisner concur with the Executive. Deleting the 50'-wide easement would effectively preclude any further extension of a transitway along this alignment, but such a transitway already has been studied and rejected twice within the past decade (TPR and the I-270 Corridor Study). **Councilmember Floreen (and Council Staff) concur with the Planning Board to retain the easement.** A more likely scenario is to use the easement as a third CSX track to provide more flexibility in MARC service. Retaining the easement will come with a cost, but it may just be worth it to keep these options open in the long-term future.

5. Transportation Management District (pp. 62, 98). The Final Draft recommends creating a TMD before any new development is approved (exempting those generating less than 30 trips). The Executive believes this requirement would stymie development, in that a TMD is not guaranteed to happen.

In 1996 the Council directed the creation of a TMD in the Shady Grove vicinity as part of its approval of the Shady Grove Sectional Map Amendment. The Executive Branch has been

working off-and-on to develop the TMD, but it has run into difficulties getting buy-in from businesses in the Shady Grove area and from the City of Gaithersburg. A map displaying the proposed TMD boundary is on ©83. Councilmember Praisner requested information about TMDs working to reduce vehicular travel from residential development; DPWT's response is on ©84-96. Councilmember Silverman asked for a summary of recent traffic mitigation agreements for major residential developments; M-NCPPC's response is on ©97-98.

Committee (and Council staff) Recommendation (3-0): Establish a TMD that covers the Sector Plan area except areas of single-family residential development. Allow development to proceed prior to the establishment of a TMD, but only under the proviso that the owners/tenants of every development ultimately within the boundary of the TMD must participate in its required activities—including the preparation of a traffic mitigation plan, the participation in the annual commuter survey, and the payment of any annual fees as if it were new development—once the TMD is established.

Establishment of this TMD is long overdue. Restricting further development until its approval is probably a necessary incentive for private interests in the unincorporated area to become interested in the traffic mitigation programs that could be provided by the TMD. A potential source of revenue for the TMD is metered parking from County streets in the vicinity of the Shady Grove Metro Station and other on-street parking in the TMD area; this would be similar to how much of the North Bethesda TMD (the Transportation Action Partnership) is funded.

Pamela Lindstrom recommends adding text to this section describing how other transit-served centers are meeting their aggressive transit mode share objectives (©99-101). **PHED Committee (and Council staff) recommendation (3-0):** Include similar text in the plan.

The Committee was interested in describing other illustrative measures to attain transportation demand management objectives.

Committee (and Council staff) Recommendation (3-0): Add the following text at the end of the 'Transportation Management District' section:

The following measures are illustrative of how transportation demand management objectives may be met:

- Providing free or heavily discounted transit passes for new residents.
- Providing car-sharing incentives.
- Encouraging incentive-based casual carpooling.
- Providing frequent shuttle service between the Metro Station and nearby job sites.
- Wiring homes or providing wireless computers to residents to encourage telecommuting.
- Charging the market-rate for parking for both residential and commercial developments, instead of providing free parking.
- Making the current minimum off-street parking required under the zoning ordinance to be the maximum allowed; and lowering the minimum requirement in the new zone to be created.

- **Increase the frequency and efficiency of bus service on major routes serving the Metro Station and employers in the technology corridor.**

The plan also notes the possibility of a storefront transit store, primarily to dispense route and schedule information and sell fare media. But with the advent of the Smart Card and the availability of transit information on the web, at the Metro Station, and potentially at the library (if sited in the Metro Neighborhood), funding the operation of a storefront likely will not be an optimal use of public (or private) funds.

Committee (and Council staff) Recommendation (3-0): List the bulleted items above as illustrative measures for reaching the trip reduction objective, but deleting the reference to a transit store.

6. *Bus service* (p. 62). DPWT objects to most of the specific items in this section, in that they go beyond the bounds of master planning and into operational planning.

Committee (and Council staff) Recommendation (3-0): Make the following revisions to this section:

- **Delete the statement about improving all bus stops with shelters, seating, and route information.** DPWT has had a long-standing countywide policy to provide shelters and seating at stops with at least 50 daily boardings. Many of Shady Grove's stops will meet this criterion, but some may not. DPWT has as an objective to provide route information at all stops.
- **Delete the statement about the location of the MD 355 bus stop near Shady Grove Road.** This is most certainly an operational matter. The location of the stop may also be influenced by the future improvements to this intersection.
- **Delete the 'five-mile radius' reference with regard to increasing bus service.** This is an artificial limitation.

7. *Bus bays* (p. 63). The Final Draft recognizes the need to increase the number of bus bays serving the Shady Grove Metro Station in coordination with WMATA's required program needs. DPWT believes that Ride On's needs should be included. Council staff would add MTA's needs as well.

Committee (and Council staff) Recommendation (3-0): Increase the number of bays to reflect WMATA's, Ride On's, and MTA's program needs.

8. *MARC Station.* The Final Draft is silent on whether there should be a MARC Station at Shady Grove. (DPWT supports building a MARC Station there.) In its packet to the Planning Board, the Planning staff was ambivalent about the need and consequences of a station. They note that the need would be stronger if commercial development planned for the area were higher. Since then the Board has increased the recommended number of jobs within the Shady Grove Policy Area (the area close to the potential MARC station) by over 27%, from 6,860 to 8,741. The staff was also concerned about the spatial constraints of the facility's design, but the footprint for the platforms should not cause a significant problem.

The staff's overriding concern was that adding a station at Shady Grove would almost certainly result in the removal of the Washington Grove station. But only three of the nine inbound morning trains and only four of the ten outbound evening trains stop at Washington Grove. This means that most of the trains could stop each way at Shady Grove without stopping only a short distance away at Washington Grove. MTA estimates there are only 35-40 persons boarding daily at Washington Grove. More Washington Grove residents might eventually prefer going to Shady Grove to catch MARC if it had more frequent service, especially if convenient shuttle service were available.

Committee (and Council staff) Recommendation (3-0): Build a MARC station adjacent to the Shady Grove Metro Station. As demand grows, support adding more capacity to the Brunswick Line by adding more trains in both peak periods and increasing the size of train consists to 8 cars per train. The new station and service should not affect the service currently provided at the Washington Grove MARC Station.

9. Bikeways and sidewalks: general (pp. 63-66). DPWT raised several specific comments about bikeways and sidewalks. The key recommendations are to:

- *Construct a sidewalk on the northwest side of Shady Grove Road between Midcounty Highway and Crabbs Branch Way.* A sidewalk on the southeast side was built as part of the Shady Grove Road widening project.
- *Extend the sidewalk on East Gude Drive east of its current terminus east of Crabbs Branch Way.*

Committee (and Council staff) Recommendation (3-0): Concur with DPWT. Furthermore, the map on p. 65 and the table on p. 66 should be corrected to show that there is an existing shared use path along Crabbs Branch Way between I-370 and Redland Road.

10. Bikeway through Park Overlook (pp. 64-66). The Board of Directors of the Park Overlook Homeowners Association opposes a proposed shared use path (B-8) from the proposed Metro Access road path (B-7) to Needwood Road at Blueberry Hill Park, and thence to the proposed path along Redland Road (SP-54). The Board states that B-8 would be costly and would be redundant with the Redland Road bike path (which also accesses the Metro station). It also states that it would never grant an easement that would allow B-8 to connect to the Metro Access Road path (©102). Park Overlook resident Diana Heller refers to B-8 as a "'crime path' through the middle of our community to open the community to easy access of anyone coming from the Metro area" (©103).

Committee (and Council staff) Recommendation (3-0): Concur with the Final Draft; keep B-8 in the plan. Ms. Heller's letter implies that B-8 would provide better access between Park Overlook and the Metro Station than the proposed Redland Road path. It is also clear that the Park Overlook community views this as a *bad* thing, leading to an infusion of outsiders using Blueberry Hill Park and bringing crime to the community.

But the park is a County asset, not Park Overlook's. The County's responsibility is to assure that the community is not overrun with vehicular traffic to use the park; encouraging easy bicycle access is an appropriate way of doing that. As to the 'crime path' label, this is a moniker that has been assigned to almost every new bike path that has ever been planned in Montgomery County, and it has always proved to be unfounded. The Department of Police cannot identify a positive correlation between the introduction of a bike trail and increased incidence of personal or property crime.

Park Overlook's opposition to granting an easement means that this connection would not built in the near few years. But with the completion of the Metro Access Road path at Park Overlook's back door (the path is recommended by the Executive for construction in FYs 07-08), Council staff suspects eventually there will be support within the community for the direct walking and biking access that B-8 would provide to the Metro Station and the Town Center facilities and amenities.

11. Definition of Roadway Classifications. One set of major decisions in any master plan is the proper functional classification of the streets and highways in the plan. In every master plan, each road is classified according to the degree to which it serves two diametrically opposed functions: providing mobility, and providing direct property access. For example, a freeway's function is entirely devoted to providing mobility, and it provides no property access. A tertiary residential street (such as a cul-de-sac) provides no mobility and exists only for property access. Other classifications—major highways, arterials, business district streets, primary residential streets, and secondary residential streets—fall between these extremes, with differing emphases on mobility and property access.

Functional classification decisions are extremely important in master plans because many formal and informal policies flow from them: road design standards, allowable traffic calming measures, cut-through traffic restrictions, priority for snow removal, routing of transit buses, priority of sidewalk requests, etc. The Roadway Classification table on pp. 72-73, therefore, is the key part of the transportation recommendations in the master plan. Unfortunately, what is missing from the Final Draft (as is in most plans) is a clear, succinct definition of each classification.

Committee (and Council staff) Recommendation (3-0): Just before section on the Intercounty Connector on p. 66, insert the following text, which is similar to the text recently approved by the Council for adoption in the Olney Master Plan:

The recommendations below address present and future traffic congestion problems in the Shady Grove Sector Plan area. Recommendations consist of road improvements and classification changes to reflect the role each road will play in the future network. The classification changes will also allow improved streetscape character of major roadways when development occurs or road improvements are made. Where possible, improvements will help the movement of pedestrians and bicycles as well as motorized vehicles.

The figure on page 68 identifies the Shady Grove Sector Plan roadways on the Master Plan of Highways and the table on pp. 72-73 lists their classifications with minimum rights-of-way. The classification of roadways is a way of indicating the degree to which

access to properties is balanced with the ability to handle through traffic. The system ranges from Freeways with an emphasis on through traffic capacity and little or no direct property access down to the Primary Residential Street which emphasizes access functions, which may affect the efficiency of through traffic movement. Secondary Residential Streets are not shown on the Master Plan of Highways. The roadway classes are detailed in the following list:

<u>Freeways</u>	<u>Provide for movement of vehicles at high speed over significant distances. Access is limited to grade-separated interchanges.</u>
<u>Major Highways</u>	<u>Provide less speed and mobility, but more access at intersections.</u>
<u>Arterial Roads</u>	<u>Connect major highways and provide more access points while moving traffic at lower speeds. Typically, more than half of the traffic on an arterial is "through" traffic.</u>
<u>Commercial Business District Streets</u>	<u>Are restricted to commercial areas, provide on-street parking, more pedestrian space, and more access points to stores and offices.</u>
<u>Primary Residential Streets</u>	<u>May carry some through traffic but their main purpose is to provide access for 200 or more households and to connect to arterial roads.</u>
<u>Secondary or Tertiary Residential Streets</u>	<u>Provide direct access to homes and allow for greater application of traffic management measures to discourage through traffic movements and speeding. (These are not listed in master plans.)</u>

12. Intercounty Connector/Midcounty Highway (p. 66). The Final Draft includes a single paragraph about these two master-planned roadways. The Executive testified that these are two critical transportation facilities that deserve more exposure in the plan. There is no substantive difference between the Planning Board and the Executive; it is merely a matter of emphasis.

Committee (and Council staff) Recommendation (3-0): Supplant the paragraph in the Final Draft with the text adopted in the Upper Rock Creek Master Plan. The Upper Rock Creek Plan devoted about two pages to these two roadways, and arguably they are as important to the Shady Grove area as to the Upper Rock Creek area.

13. MD 355 classification (p. 67). Pamela Lindstrom recommends that MD 355 not be classified as a major highway, but as an urban boulevard instead (©99-101). However, this would deny that MD 355's primary function is—and will continue to be—to process north-south traffic through the planning area. That does not mean it cannot be designed in a way more appropriate for an urban area. After all, this has been achieved in Friendship Heights and Bethesda, where MD 355 is also classified as a major highway.

Committee (and Council staff) Recommendation (3-0): Concur with the Final Draft.

14. Right-of-way for MD 355 (pp. 67, 72). The right-of-way for MD 355 is currently master-planned as 150' from I-370 to Gude Drive. The Final Draft proposes reducing the right-of-way to 120' through the Metro Neighborhoods, from Ridgemont Avenue to Indianola Drive. Eastern Diversified advocates reducing the right-of-way to 120' south to Gude Drive, too; it says the current 150' restricts it from making improvements to its dealerships on the east side of MD 355. *Council staff recommends concurrence with the Final Draft.* The County went to 150'-wide rights-of-way for 6-lane divided highways several years ago because there was not enough room to fit all the necessary elements within a 120': 6 twelve-foot through lanes, a wide-enough median for double left-turn lanes and a pedestrian refuge, a shared use path on one side and a sidewalk on the other, space between the curbs and the path or sidewalk, and room for utilities and landscaping outside of the path or sidewalk.

Committee Recommendation (3-0): Outside the Metro neighborhoods, the right-of-way width of MD 355 should be 120' until the current uses are no longer predominant along that route, at which time the right-of-way planned will be 150'.

15. Shady Grove Road shared use path underpass (p. 67). The Final Draft proposes a shared use path underpass under Shady Grove Road on the east side of its intersection with Crabbs Branch Way. This underpass appears in the Intercounty Connector Draft Environmental Impact Statement as a candidate measure under its Environmental Stewardship program.

DPWT recommends removing it from the plan. It believes the signalized intersection is a satisfactory mechanism for pedestrian crossings. It is concerned that the underpass would be costly to build and maintain, and that it would be a magnet for unlawful activity and be underutilized by potential users.

Shady Grove Road will have considerably more traffic in the future, and the intersection improvement at Crabbs Branch Way will increase the distance for a pedestrian crossing it. The grade is such that an underpass would be a natural draw for pedestrians and bikers wishing to cross Shady Grove Road, and pedestrian traffic will be much higher with the development and public functions that will be present in the immediate area. The construction of the underpass would be less expensive if completed as part of the intersection improvement project.

Committee (and Council staff) Recommendation (2-1): Councilmembers Silverman and Praisner concur with the Final Draft, if the land use recommended in the plan is generally unchanged. However, if the development northwest of Shady Grove Road does not reach a level sufficient to warrant the expense of the underpass, then it should not be built. Councilmember Floreen supports the underpass whether or not the development materializes; she believes it is an important enough part of the regional bikeway system to warrant the expense.

16. Industrial road through Casey 6 (pp. 68, 70, 27). DPWT has raised concern that if the Equipment Maintenance and Operations Center (EMOC) were relocated to either the Casey 6 or

7 properties, that it would desire a second access point onto the highway system other than Crabbs Branch Way.

Committee (and Council staff) Recommendation (3-0): Add a new first bullet on page 27 under Casey Properties and replace first bullet on page 70 under ‘Other Roadway Improvements,’ as follows:

- If the vacant Casey properties 6 and/or 7 are developed with relocated County services, [permit a new, private] a two-lane industrial street in a 40’ right-of-way may be needed over the CSX tracks and north of I-370, connecting Crabbs Branch Way to Oakmont Avenue to improve local access for industrially zoned properties. In the ‘Proposed Roadway Network’ figure on page 68 the location of this potential industrial street is illustrative. Also, support an “authorized vehicles only” ramp to and from I-370 to serve public use of adjacent industrially zoned properties.

Also, show this potential industrial street with double dashes in the Proposed Roadway Network figure on page 68.

17. Redland Road and Crabbs Branch Way (pp. 69, 77-78). The Final Draft proposes reclassifying Redland Road (between Crabbs Branch Way and MD 355) and Crabbs Branch Way (from just north of I-370 to Redland Road) from Industrial streets to Commercial Business District Streets. These changes been proposed in order for these streets to have many of their intended design features under this plan: narrower lanes; lower design speed; smaller curb radii; smaller, more walkable block lengths; and other pedestrian-friendly elements. Most or all of these features would not currently be allowed for Arterial roads under the current Road Construction Code.

Committee (and Council staff) Recommendation (3-0): Reclassify these roads as Commercial Business District Streets, but with added text stating that pertaining to their function and use, they will be treated as Arterials instead.

18. MD 355/Gude Drive interchange (p. 69). Although not currently master-planned, this potential grade-separated interchange has been on the Executive’s and Council’s State transportation priority list for a few years. It was initially a priority identified by the City of Rockville, and it is included in the Council’s 10-Year Transportation Plan. DPWT supports its presence in the plan. Eastern Diversified Properties is opposed to the interchange due to potential loss of access and property to its car dealerships.

The Final Draft recommends a grade-separated interchange at MD 355/Gude Drive “if found necessary. Minimize impacts on adjacent businesses by measures such as depressing MD 355 under Gude Drive.” But any public facility in a master plan is subject to an ultimate “if found necessary” test when it is a candidate for funding. The point is that the intersection at MD 355/Gude Drive is projected to be 55% over capacity even with the implementation of transportation demand management measures in Shady Grove. For the plan to be in balance, it is practically required that an interchange be master-planned at this location.

The ultimate design of the interchange will determine whether or not MD 355 will be depressed under Gude Drive. What does the Final Draft language mean: that the grade of MD 355 will have to be lowered, or merely that Gude Drive will be elevated over the existing MD 355? If the former, that will have a much larger impact on access and property. Better is not to give any specific direction as to how the interchange will be designed.

PHED Committee (and Council staff) Recommendation (3-0): Revise the text to say merely that the plan recommends creating a grade-separated interchange at MD 355 and Gude Drive, and that impacts on adjacent businesses should be minimized.

19. Intersections (pp. 69-70). The Supplemental Technical Information report (pp. 44-45) identifies four potential intersection improvements that would satisfy—or at least greatly improve—projected congestion at build-out of the plan:

- Shady Grove Road/Crabbs Branch Way will have tolerable congestion with a second left-turn lane on each approach of Crabbs Branch Way and an exclusive right-turn lane on each approach of Shady Grove Road.
- MD 355/Redland Road will have tolerable congestion with another left-turn lane from westbound Redland Road to southbound MD 355.
- MD 355/Shady Grove Road will have tolerable congestion by adding a second right-turn lane on each of Shady Grove Road's approaches. With a CLV only 4% above 1,800 and the nearby signalized intersections spaced at some distance, the queues from the intersection will not likely cause a problem.
- Shady Grove Road/Midcounty Highway will have a much improved (but still failing) level of congestion by adding exclusive right-turn lanes on eastbound and westbound Shady Grove Road and an additional through lane in each direction on Midcounty Highway.

The Final Draft stops short of explicitly recommending these improvements, however. Some community residents and transit advocates support the Board's position, but the Executive does not. The Board's reasons, and *Council staff's response* to each, are:

- The balance between vehicular congestion and pedestrian accessibility should be made on a case-by-case basis through subdivision cases or facility planning studies as needs arise. *Adding lanes and improving pedestrian accessibility are not necessary antithetical. With sufficient median refuges, tighter curb radii, enhanced pedestrian signalization, and more generous crossing times, it is possible to improve both vehicular capacity and pedestrian accessibility.*
- The level of travel demand forecasting performed for the Sector Plan analysis is useful for assessing long-term trends, but not for programming 20-year needs on an intersection-specific basis. *Because the forecasts are too general for intersection design is all the more reason why the plan should set aside the right-of-way for these improvements. After all, the primary reason for most master plan transportation recommendations is to set aside land from development to protect the option to undertake the future improvement.*

- Current Annual Growth Policy (AGP) processes allow CLV congestion standards to be exceeded in Metro Station Policy Areas as long as operational analyses demonstrate that vehicle queues do not block upstream intersections. *The three intersections within the Metro Communities will be at least 10% over capacity—that is, at least 1,980 CLV—without further improvements. These intersections are close to other signalized intersections, and so they most probably will back up into them. Recall that the 1,800 CLV is already over capacity (1,600 CLV equals capacity) and so some queueing will occur even if the standard were met.*
- AGP standards and practices are re-evaluated every two years and are subject to change during the lifetime of the Sector Plan. *By this statement the plan suggests that even a looser congestion standard than 1,800 CLV will be deemed tolerable in the future. This seems very doubtful.*

In summary, the Council is already allowing in the Growth Policy significant traffic congestion (1,800 CLV, and higher CLV if the queues do not have ripple effects on neighboring intersections) in Metro Station areas in order for higher densities to be realized there. To then ignore these standards by not planning for practical road improvements carries the toleration for congestion much too far. While there are a few other plans which acknowledge that certain intersections will still fail (such as Shady Grove Road/Midcounty Highway in this plan), no other plan—including the Bethesda CBD, Silver Spring CBD, Friendship Heights, and Wheaton CBD Sector Plans—excludes intersection improvements as part of the solution.

Committee (and Council staff) Recommendation (3-0): Concur with Executive. Replace the text in the ‘Intersections’ section on pp. 69-70 with the following:

The Plan recognizes that capacity improvements of four intersections will likely be necessary to achieve current Local Area Transportation Review standards if build out is achieved. Balancing the needs of pedestrians, cyclists and vehicles need to be taken into consideration in designing any such improvements. Specific improvements need to be determined at the time of a preliminary plan review (or a project planning/facility planning study) with specific traffic studies and more detailed information to identify needed improvements. The four intersections are expected to have such potential improvements are as follows:

- **Shady Grove Road/Crabbs Branch Way**
- **MD 355/Redland Road**
- **MD 355/ Shady Grove Road**
- **Shady Grove Road/Midcounty Highway**

20. Local street network (p. 70-71). The Final Draft identifies the specific alignments and rights-of-way for public streets within the Metro Neighborhoods. These would be Business District Streets; some would be with parking on one side only within 60’-wide rights-of-way, and others with parking on both sides within 70’-wide rights-of-way. Streets ‘A’ and ‘B’ would be entryways for buses to the west side of the Metro Station and would have 120’-wide and 190’-wide segments. DPWT believes that Street ‘D,’ planned with a 60’-wide right-of-way, should instead have a 70’-wide right-of-way. DPWT also objects to the text suggesting types of pedestrian-friendly characteristics that could be implemented.

Generally, Council staff believes that setting the specific street layout and rights-of-way in a master plan—prior to preliminary plan review—unduly restricts developers' creativity and options; it would be tantamount to a master plan laying out streets in a residential subdivision. However, the plan's recommendations for a new grid system in the Metro Neighborhoods forming short, walkable blocks is an important recommendation in creating transit-oriented development and should be retained in the plan, as is general guidance about right-of-way widths, pedestrian-friendly intersection design, and traffic calming. Furthermore, WMATA has expressed satisfaction with the plan's specific layout and rights-of-way for the streets within its property. However, for the County Service Park, Miller and Smith is proposing a different street layout and rights-of-way, while still meeting the grid pattern advocated by the plan (©104-105).

DPWT objects to listing raised pedestrian crosswalks among the pedestrian-friendly measures. They have been installed only where the County's Speed Hump Criteria have been met and coincide with the location of a crosswalk, such as on Bel Pre Road in Aspen Hill.

Committee (and Council staff) Recommendation (2-1): Councilmembers Silverman and Praisner recommend revising the first three bullets under 'Local Street Network' as follows:

- Providing a new grid system of local streets forming short, walkable blocks within the Metro station vicinity (see Commercial Business Streets for Metro Neighborhoods). Those streets that are listed in the Street and Highway Classification table as Streets 'F' (north of Street 'H'), 'I,' and 'J' are illustrative of the type and right-of-way needed to improve access to Metro and local circulation. Additional streets that are illustrated but not listed in the table are also of the type desired.
- [Within the Metro Neighborhoods, all streets shall be built to Commercial Business District Street standards with primarily a 70-foot right-of-way.] At the time of preliminary plan review, specific streets locations shall be determined. Recommended rights-of-way are needed to ensure adequate lanes, bus access, pedestrian sidewalks and street parking.
- Designing local intersections with pedestrian-friendly characteristics such as minimal corner radii[, raised pedestrian crosswalks,] and special crosswalk pavement.

Councilmember Floreen agrees except, in the last bullet, she would retain 'raised pedestrian crosswalks' among the illustrative characteristics.

21. Study of Midcounty Highway/Shady Grove Road interchange (p. 70). Council staff explored this option with Planning staff and determined that an interchange would not resolve the capacity issues at this intersection, and that it would entail significant takings of nearby homes.

Committee (and Council staff) Recommendation (3-0): Delete the reference to this study.

B. Historic Preservation

Committee Recommendation: Support Plan recommendations.

Page in Master Plan: 55-57.

Plan Recommendations: Evaluate the significance of certain resources in Derwood for inclusion on the *Locational Atlas and Index of Historic Sites*, including Derwood Baptist Church, Derwood School, Hall's Store, and Hoskinson-Schwartz House (which was removed by the owner's request but should be reevaluated). Evaluate the Post Office, which was recently placed on the *Locational Atlas*, for designation on the *Master Plan for Historic Preservation*.

Testimony: Individuals commented that the Plan should acknowledge the historic significance of Washington Grove and the need to buffer its edges and that Old Derwood needed to be preserved. The Greater Shady Grove Civic Alliance wants the Old Derwood School, Post Office, corner market, church, the rail man apartment and many residential structures to be preserved and saved and the two cemetery lots that hold Ricketts and Crabbs family's burial should be protected by fences. The Montgomery County Civic Federation and Montgomery Preservation, Inc. (represented by Wayne Goldstein) support the recommendations.

Committee Discussion: The Committee expressed its concern that the designations were not being made in the Sector Plan as has typically been the case. The Committee asked for information regarding the timeframe for including the Derwood Post Office and Store in the Master Plan for Historic Preservation. This property was placed on the Locational Atlas, but due to overwhelming opposition to the historic designation, the Council removed it in 1991. Currently, and without the owner's opposition, it is included in the Locational Atlas under an interim designation where a moratorium is placed on its demolition. The Committee supports the Sector Plan recommendation to evaluate sites for addition to the *Locational Atlas* and *Master Plan for Historic Preservation*. Although Washington Grove is outside the Sector Plan area, Staff believes that it would be appropriate to acknowledge its historical significance in the Plan.

C. Environment

Committee Recommendation: Delete the first bulleted item on page 93 of the Plan since the law already requires compliance with the Forest Conservation Law at the earliest stages of the development process. **Water Quality and Stormwater Management:** Replace, on page 93, the word "land" with "streams". Delete references to application of low-impact development techniques being encouraged. Replace, on page 94, "recreate" with "rehabilitate".

Page in Master Plan: 90-95

Plan Recommendations:

- **Forest Conservation** – Planning Board recommendations focus on enhancing the natural environment in Shady Grove and designating forest reserve areas within the planning area to facilitate off-site reforestation requirements.

- **Water Quality and Stormwater Management** – Planning Board recommendations focus on protecting stream buffers and increasing landscaping. The Plan also recommends recreating the stream that formerly ran west of the existing Metro access roadway if the park maintenance facility and MCPS bus depot are relocated.
- **Wetlands** – Planning Board recommendations focus on protecting and restoring wetlands.
- **Noise** – Planning Board recommendations focus on supporting noise-compatible site designs and noise walls and incorporating compliance with the Adopted County Noise Control Ordinance and the Planning Board's *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development*. Additionally, the Plan recommends locating structured parking adjacent to CSX tracks.
- **Air Quality** – Planning Board Recommendations focus on limiting Metro parking, providing safe and convenient pedestrian and bicycle access to various areas within the planning area, and providing incentives for transit use. Additionally, the Plan recommends working with the Solid Waste Transfer Station to control odors by eliminating or relocating its yard waste processing area.

Testimony: Individuals stated their concern about the Sector Plan's impact on the environment in terms of water quality, noise, and air quality. The Greater Shady Grove Civic Alliance noted that the attempt to save Rock Creek by restricting impervious development to 8% on the Eastern parts of Rock Creek are wasted efforts if 80-90% is allowed on the headwaters of Crabbs Branch and Mill Creek streams. Solutions Not Sprawl, however, expressed that the Plan includes a "wonderful" network of parks and public spaces that will ultimately benefit the air and water quality of the area.

Committee Discussion: The Committee generally supports the Sector Plan recommendations for the environment and notes that concentrating density at a Metro station and requiring shifting density from horizontal to more vertical development has environmental benefits. With regard to the water quality issues addressed in testimony, the Upper Rock Creek Special Protection Area and overlay zone address one of the highest quality (Use III) streams in the County. The Mill Creek and Crabbs Branch flow into the Use IV portion of Upper Rock Creek, which is not as sensitive. Planning Staff do not anticipate that Crabbs Branch imperviousness will change significantly from current levels (since some areas will be greener and other areas will become more impervious). Mill Creek imperviousness will increase somewhat but it is already high and Planning Staff believe that the impact of the Sector Plan will not be significant. The Committee recommends the following clarifications to language in the section on the environment: Delete the first bulleted item on page 93 of the Plan since the law already requires compliance with the Forest Conservation Law at the earliest stages of the development process. **Water Quality and Stormwater Management:** Replace, on page 93, the word "land" with "streams". Delete references to application of low-impact development techniques being encouraged. Replace, on page 94, "recreate" with "rehabilitate".

VIII. WORKFORCE HOUSING

Committee Recommendation: Require workforce housing on publicly-owned land and develop legislation that will require workforce housing on land zoned TOMX as part of more comprehensive workforce housing program.

Workforce housing is not discussed in the Planning Board Draft Plan, but the Committee believes that it should be a part of the Plan. The Committee asked Planning staff to identify options for including a workforce housing component in the Shady Grove Sector Plan and/or the TOMX zone. Attached on © 106-109 is the analysis conducted by Planning Staff. Planning Staff identified the following options for consideration:

- Require 10% as part of any agreement with a private developer on publicly owned land – 452 dwelling units of work force housing.
- Require 10% for approval of all projects in Shady Grove – 670 dwelling units of work force housing.
- Require 10% for approval of the Optional Method of Development in the TOMX 2.0 Zone – 395 dwelling units of work force housing.

Park and Planning Staff note that all of the options require legislation to include workforce housing. It would also be necessary to define eligibility, establish a method to monitor the price of housing and establish time limits on price controls. An implementing agency should also be identified. Planning Staff recommends the first option of 10% of all housing on publicly owned land to be work force housing. The number of units that would be generated on each public site is as follows:

Publicly Owned Land and Housing by Neighborhood in Shady Grove

Neighborhood	Zone	Total Housing	MPDUs (15%)	Work Force (10%)
Jeremiah Park	PD-15	640	96	64
Metro West				
- WMATA	TOMX 2.0	865	130	87
Metro North				
- WMATA	TOMX 2.0	854	129	86
- DPWT	TOMX 2.0	1220	183	122
- MCPS	TOMX 2.0	12	0	2
Totals		3591	538	361

Attached on © 110-111 is the memorandum from the PHED Committee Chair Steve Silverman recommending that workforce housing be a requirement for all publicly owned land and that the transit-oriented, mixed-use (TOMX) zone be changed to require any property which develops under the optional method to provide 10% workforce housing

After considering the options presented, the Committee decided that workforce housing should be required on public land and that other properties in Shady Grove (particularly those recommended for TOMX zoning) would be appropriate for workforce housing if a program is developed and legislation adopted. The Committee also believed that work should be done to develop this program as expeditiously as possible. Ideally, a program would be developed prior to implementation of the sectional map amendment (SMA) so that workforce housing would be a component of all new TOMX development.

IX. MUNICIPALITIES

Committee Recommendation: The Committee recommends that the Council ask the municipalities to enter into memorandums of understanding (MOUs) agreeing to comply with the staging in the Sector Plan for any annexed land.

The Committee asked for additional information from municipalities on the status of their adequate public facilities laws and their plans for annexation. The Committee was concerned that annexations could circumvent the Staging Plan in the Sector Plan if the municipalities did not comply with the staging. Information from Planning Staff is attached at ©112-117. Attached on © 118-119 is a letter from the City of Rockville addressing of the Committee's questions.

Rockville's Urban Growth Area (the maximum expansion area) contain several land areas discussed in the Shady Grove Sector Plan including Metro West, Metro South, Metro East/Old Derwood, MD 355 South, Crabbs Branch Industrial Park, and Shady Grove Plaza. The City indicates that its Master Plan's recommendations for these areas generally reflect existing County Master Plans and zoning because State law requires the County Council to consent to property being annexed into the City and rezoned to a substantially different zone than the County Master Plan recommends. The City's Maser Plan does not recommend any specific properties for annexation except for the WMATA property at the Twinbrook Metro Station. The City usually responds to annexation petitions on a case-by-case basis and neither the Mayor nor the City Council has discussed any "proactive annexation potential" in the Shady Grove area. The City would most likely respond to annexation petitions on their "merits and benefits" to the City.

Rockville remains concerned that there be proper staging and transportation improvements in order that City neighborhoods will be protected. They support the staging of development to correspond with adequate public facilities. Rockville is particularly concerned with school capacity. The Mayor and Council expect to consider the issue of a draft Adequate Public Facilities Ordinance again this year as it has been dormant since late 2003.

Although the City is supportive of staging, it is unclear whether they would require compliance with staging if the properties are annexed. The Committee recommends that the Council ask the municipalities to enter into memorandums of understanding (MOUs) agreeing to comply with the staging in the Sector Plan for any annexed land.

X. STAGING

Page in Master Plan: 97-100.

Plan Recommendations: The Final Draft Plan divides the plan's development into three stages, with each stage allowing a specific amount of housing and jobs. Before proceeding to a subsequent stage, a set of projects must be funded and other steps must be taken. During the first stage 1,500 housing units and 1,570 new jobs can proceed, the second stage allows 3,000 housing units and 2,650 new jobs and the third stage is full build out. Criteria that need to be met to proceed to each stage are detailed on pages 97-100 and are briefly summarized below.

Testimony: The Council received extensive testimony from individuals and groups (including the Upcounty Citizens Advisory Board and The Greater Shady Grove Civic Alliance) advocating that the staging requirements be strengthened and asking the Council to be firm in requiring the staging of development. Numerous individuals also stated that school capacity should be included in the staging requirement and an impartial mechanism should assess the ongoing need for public facilities. Mayor Sidney Katz (City of Gaithersburg) and Mayor Larry Giammo (Rockville) urged the Council to ensure that construction of the residential units are staged with the construction schedules of the proposed elementary and high schools. Mayor John Compton (Washington Grove) requested that the Council consider making the criteria for triggering development at 50% and 25% build out more explicit. Eastern Diversified Properties is concerned that the proposed staging component of the Plan will interfere with future plans to upgrade and modernize existing vehicle sales and service facilities to accommodate the needs of customers. They request that the staging provisions not apply to repairs, renovation, expansion, and reconstruction of uses, buildings and improvements on existing dealerships properties.

Committee Discussion: The Committee believes the Staging Plan should be written to clarify its intent and strengthen the effect. The reviewed issues associated with staging including what public facilities/activities should be included in the staging, the criteria for judging whether they are sufficient and the timing for applying the criteria (before which stage). In addition, the Committee considered wording in the Staging Plan that raised questions regarding sources of funding for the needed public facilities.

Transportation: The Committee places particular reliance on transportation demand management and traffic mitigation agreements to address the traffic to be generated by the planned development. It agrees with the Planning Board that particular facilities need to be funded at each stage. If approved, the proposed Staging Plan would implement the most stringent master plan staging to date with regards to transportation.

Schools: The Staging Plan is silent with regard to schools, presumably because the Annual Growth Policy (AGP) requires that there be sufficient school capacity before development can proceed. The Committee believes that the Staging Plan should include a school component and recommends that planning begin before Stage 2 and construction be completed before Stage 3 (unless another means to serve students is identified).

Yard Waste Processing Activities at the Solid Waste Transfer Facility: The Committee considered whether the relocation of the yard waste processing facilities should occur before completion of residential units on Metro West or Metro South (the two areas likely to be

impacted by odors from these facilities). Since relocation is likely to occur before significant staging capacity for Metro West becomes available, the Committee did not believe that it was necessary to include the relocation in the Staging Plan.

Urban Service District and Development District: The Sector Plan requires the creation of an Urban Service District and notes that a development district may be a useful tool for expediting the funding of public facilities such as libraries, schools, police and fire stations, transit facilities, parks and recreation. The Staging Plan requires participation in the Urban Service District before development can proceed.

Page 100 in the Plan describes the activities the Urban Service District would fund, including maintenance, promotion and programmed activities in the Metro Neighborhoods and Jeremiah Park. Although these activities are typically provided by Urban Service Districts, the Plan also recommends that the District fund the construction and/or management of a community center if it is not feasible as a public center. The Committee recommends that this language be deleted and that the Plan clarify that the Urban District will provide funding for ongoing operational activities or small capital projects.⁴

Sources of funding: The Staging Plan does not provide clear guidance regarding the source of funding for many of the recommended improvements. The Plan language in the section on staging should be revised to indicate that there are a number of potential options for funding infrastructure improvement and the Plan is indifferent as to the source (unless specified otherwise), provided the funding is provided at the recommended point in the Staging Plan. It should also clarify that public funding is not assumed.

County Service Park: The Staging Plan exempts the County Service Park from staging and the Council received testimony objecting to this exemption. The Committee concurs with the testimony but also believes that new development that is part of the relocation of the County Service Park should be in Stage 1 to facilitate the relocation.

It is important to understand that the Staging Plan is focused on the development of new private residential units and commercial development that will impact public facilities. The Capital Improvements Program (CIP) will determine the timing of public investment in facilities (including those related to the CSP). Currently the CIP shows design of DPWT facilities programmed to begin in FY07; the timing will be reviewed as part of the FY07-FY12 CIP.

Committee Recommendations

The PHED Committee's recommended staging of this plan, described below differs in some significant respects, including:

⁴ It is entirely possible that the Urban District may decide to fund in part or whole activities associated with a community center; however, Staff believes it is inappropriate for the Sector Plan to require this participation before there has been adequate analysis of the costs and benefits.

- A higher number of housing units are allowed in Stages 1 and 2 *if* the County Service Park relocates. A smaller number of housing units are allowed in Stages 2 and 3 if the Service Park *does not* relocate.
- Each development generating at least 100 more peak-hour trips must enter into a traffic mitigation agreement with the Planning Board. Any development on County-owned land, including the Service Park, must enter into a traffic mitigation agreement regardless of the level of traffic it would generate.
- If the sum total of vehicle trips from all Stage 1 sites with traffic mitigation agreements exceeds the sum of the allowed trip caps, then the plan cannot proceed to Stage 2.
- Each of the major intersections in the Sector Plan area must operate at or better than its respective Growth Policy intersection standard or congestion level at the time of the Plan's adoption, which ever is greater. If not, the plan cannot proceed to Stage 2.
- The Committee's recommended Staging Plan includes triggers related to the planning and construction of a new elementary school.
- The Committee's recommended Staging Plan specifies recreation facilities within parks and requires dedication or acquisition of a local park before Stage 2.
- The Committee's recommended Staging Plan requires dedication of a library site earlier in the staging and requires funding before Stage 3. Also, the identification of a library site is now a trigger for new private development on Jeremiah Park.

The Committee recommends replacing the staging in the Plan with the following:

The following general provisions shall apply to all development within the planning area:

- Shifting of existing employment within the Planning Area does not count towards staging limits.
- Staging does not exempt development from other requirements imposed under County law or regulation such as the Adequate Public Facilities requirements.
- Re-evaluate the need for additional community meeting space before the new library is built and consider the option to co-locate additional meeting space with the library, if needed.
- Do not approve a preliminary plan for new private development on Jeremiah Park until a site for a new school and the private funding source for acquisition have been identified.
- Do not approve a preliminary plan for new development on Jeremiah Park or Metro North until a site for a library has been identified by the Planning Board in consultation with the Department of Public Libraries and other permitting agencies.
- Do not approve a preliminary plan for new private development on Jeremiah Park until sites for three ball fields and other required park facilities have been identified. Absent identification of alternative locations, two adult ball fields should be located on Jeremiah Park if the County Service Park relocates.
- Each development receiving preliminary plan approval within the Shady Grove Metro Station Policy Area that generates at least 100 additional peak-hour trips is required to enter into a Traffic Mitigation Agreement (TMAG) in compliance with Planning Board's policies. *(Councilmember Praisner recommends that the threshold be 50 additional peak-hour trips.)*

- Any County owned property, including the County Service Park, must participate in Trip Mitigation Agreements even if development yields less than 100 additional peak-hour trips.
- Seek memorandums of understanding with Rockville and Gaithersburg documenting their commitment to abide by the staging principles in the Sector Plan.

Councilmember Praisner supported included a staging condition that link development approvals to the provision of additional Metrorail capacity. The Committee majority did not concur, noting the finding that the level of development at Shady Grove has a minimal impact on Metrorail capacity (see the discussion in Section II.B under '*Metrorail capacity*').

Within two years from the adoption of the Sector Plan:

- Conclude final negotiations on County Service Park relocations or release capacity being held to facilitate redevelopment. The CIP, not the Staging Plan, will determine the timing of County funding of public facilities for DPWT and other departments/agencies.
- If the County Service Park does not relocate in its entirety, the amount of housing units will be adjusted as specified in this Staging Plan with a proportional reduction in housing units for each stage to be determined by the Planning Board.

Staging Sequence:

Staging with the relocation of the County Service Park

Stage 1	2,540 units, 1,570 jobs
Stage 2	3,540 units, 2,650 jobs
Stage 3	6,340 units, 7,000 jobs

Staging without the relocation of the County Service Park

Stage 1	1,500 units, 1,570 jobs
Stage 2	2,500 units, 2,650 jobs
Stage 3	4,100 units, 7,000 jobs

Stage 1 Triggers:

- Receive County Council adoption of zoning text amendments and complete sectional map amendments.
- Establish a Transportation Management District (TMD) that covers the Sector Plan area except areas of single-family residential development. Allow development to proceed prior to establishment of a TMD, but only under the proviso that the owner/tenants of every development ultimately within the boundary of the TMD must participate in its required activities, including the preparation of a traffic mitigation plan, the participation in the annual commuter survey, and the payment of any annual fees as if it were new development, once the TMD is established.

Stage 1 – 2,540 housing units and 1,570 jobs with the relocation of the CSP.

The staging scenario for the relocation of the County Service Park is intended to allow for the level of development recommended for the CSP within Stage 1 and a small amount of additional housing elsewhere in the Plan. This represents approximately 40 percent of the housing units. Housing capacity of 2,480 units and 520 jobs (400 office and 120 retail jobs), will be held for development on Jeremiah Park and the Metro North Neighborhood, unless the Executive determines that a land exchange is not feasible or fails to enter into an agreement with a private developer to exchange land within two years of the adoption of the Plan.

If the County Service Park does not complete negotiations related to relocation within two years, then Stage 1 will consist of only 1,500 housing units and 1,570 jobs. If only some portions of the County Service Park relocate, then Stage 1 ceiling will be proportionally adjusted to the amount of development proposed up to 2,540 units and 1,570 jobs.

Stage 2 Triggers:

- **Evaluate the need and schedule for the new elementary school and ask MCPS to begin planning and program accordingly.**
- **Fund acquisition or dedication for a local park with at least one ball field. If the County Service Park relocates, dedication of required park facilities should be required as part of the preliminary plan approval for private development. Fund construction for one park.**
- **The Planning Board will consider the aggregate performance of all such TMAs in the Shady Grove Policy Area in the decision to move to Stage 2. If the sum total of vehicle trips from all participating sites exceeds the sum of the allowed trip caps, then the plan should not be considered ready to move to the subsequent stage.**
- **Each of the major intersections in the Sector Plan area must operate at or better than its respective Growth Policy Local Area Transportation Review (LATR) level of service standard or congestion level at the time of the Plan's adoption, which ever is greater. Traffic conditions will be measured from existing and approved development on a network programmed for completion four years later.**
- **Fund the Metro Access Partial Interchange for completion within the first four years of the Capital Improvements Program to ensure adequate access to the Metro station.**
- **Planning Board must make a determination that Stage 2 can proceed.**

Stage 2 - 3,540 units, 2,650 jobs with the relocation of the CSP.

If the County Service Park does not relocate after two years from the approval of the Plan, then Stage 2 will consist of only 2,500 units and 2,650 jobs. If only some portion of the County Service Park relocates, then Stage 2 ceiling will be proportional to the amount of development proposed up to 3,540 units and 2,650 jobs.

Stage 3 Triggers:

- Fund library in the 6 year CIP.
- Complete construction of a new elementary school unless MCPS identifies an alternative strategy for serving elementary school children.
- If County Service Park relocates, fund construction of a second local park with ball field.
- Evaluate if public facilities are adequate for growth and determine if any changes to the Sector Plan are required as a result.
- Fund the following for completion within four years: (1) Redland Road and Crabbs Branch Way roadway improvements; (2) the pedestrian underpass at Shady Grove Road and Crabbs Branch Way if The Grove and Jeremiah Park redevelop; and (3) all area wide pathways and bikeways.
- Planning Board must make determination that Stage 3 can proceed.

Stage 3 - 6,340 housing units and 7,000 jobs if CSP is relocated.

Under the scenario that the CSP is not relocated, only 4,100 new housing units will be permitted.

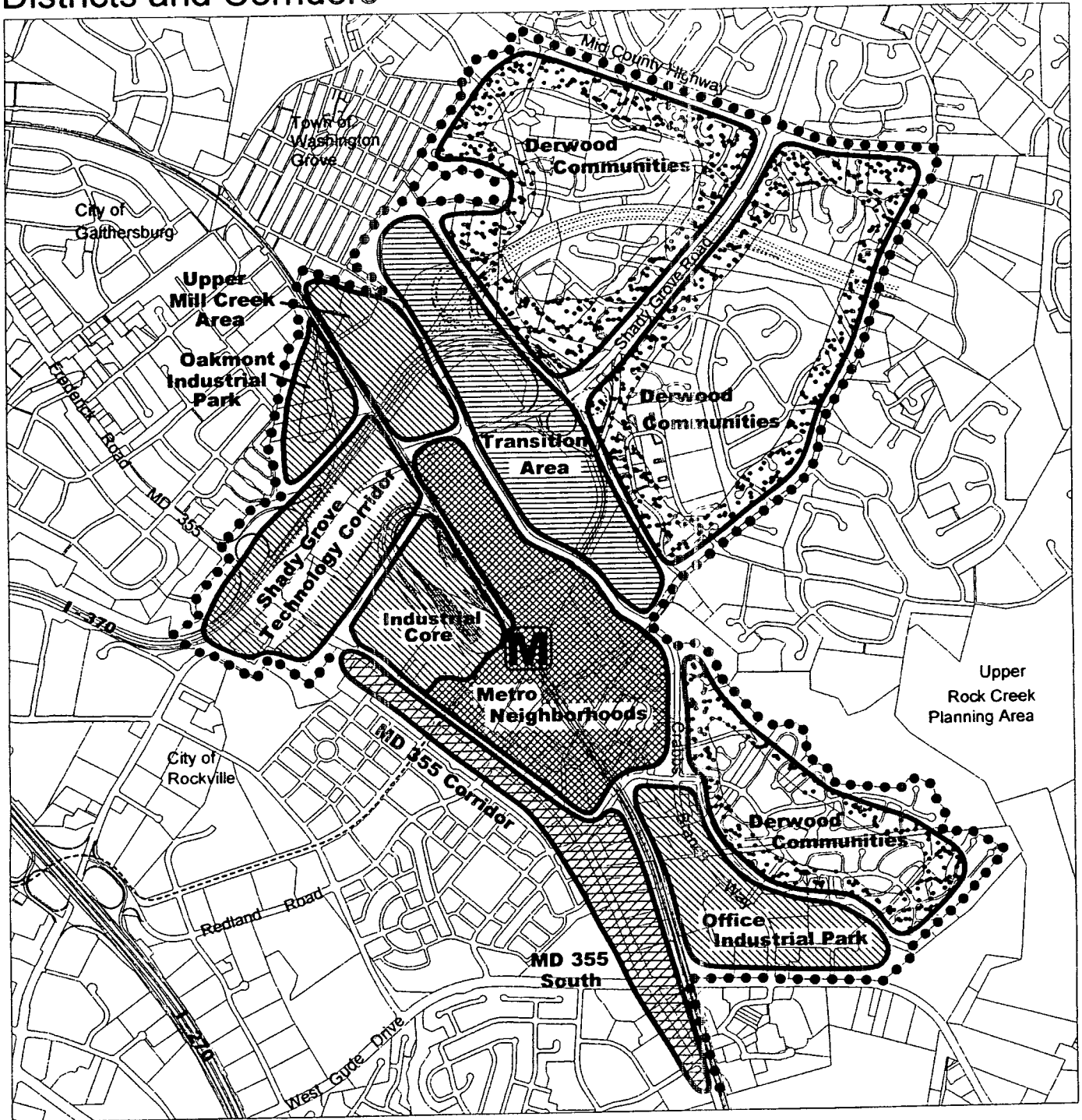
XI. URBAN DISTRICT AND DEVELOPMENT DISTRICT OPTIONS

Committee Recommendation: Clarify that the Urban Service District would only fund operating expenses. Rename "Urban Service District" to "Urban District" with the assurance that the Urban District would provide the same types of services that current urban districts provide. Include language that offers options between establishing an Urban District and an Urban Partnership. Delete references stating that the Urban Service District should manage the funding and operation of a community center. Include language that indicates the private sector can propose a Development District.

Urban Service District: The Committee agreed that there should not be an expectation that an Urban Service District would fund improvements not typically provided by other Urban Districts. Staff noted that the absence of a parking district in the planning area combined with the significant percentage of residential development raises questions about the amount of revenues that will be generated. The Committee recommends that the Plan discuss the services this area will need above those typically provided by the County, consistent with services provided by other Urban Districts.

Development District: The Committee discussed whether the creation of a development district would more equitably spread infrastructure costs among property owners. After further considering this issue the Committee agreed not try to resolve this issue now, but ask Executive staff to continue to review options for financing facilities required by the Plan. Given the mixed success of development districts, it may be worth exploring alternative mechanisms to more equitably spread facility costs among property owners. Since this is an implementation issue, it can be addressed after adoption of the Sector Plan.

Districts and Corridors



0 2200'

January 18, 2004

Memorandum

To: Marlene Michaelson, Legislative Aide
Via: John Carter, Chief Community Based Planning
From: Sue Edwards, Team Leader I-270 Team
Karen Kumm Morris, Lead Planner, Shady Grove Sector Plan *kw*
Subject: I-270 Context for the Shady Grove Sector Plan

Planning Board's Draft Proposed Density Compared with TPR

The Planning Board's Draft Shady Grove Sector Plan has a greater amount of housing and jobs than the TPR's Alternative Land Use for the following reasons:

- To support Council's policy for increasing housing choices near transit .
- to achieve appropriate densities within ½ mile walking of a Metro station.
- to be comparable with other non-CBD Metro areas such as Twinbrook while less than the municipalities such as Rockville. See Mixed Use Centers.
- to achieve sufficient housing density within the County Service Park to support the relocation of the County facilities
- to promote the mixed use development of The Grove Shopping Center
- to create an urban, compact center on the Westside of the station. The additional density is helpful in supporting the urban infrastructure needed to create an attractive center and to ensure a range of multi-family type projects such as condominiums as well as rental units.
- additional jobs were needed to ensure adequate levels of activating uses at the ground floor of the Metro Westside properties and bio technology and technology along the Shady Grove Road Technology Corridor.

In response to your questions:

1. Specific Plan recommendations considered part of the I-270 Vision -

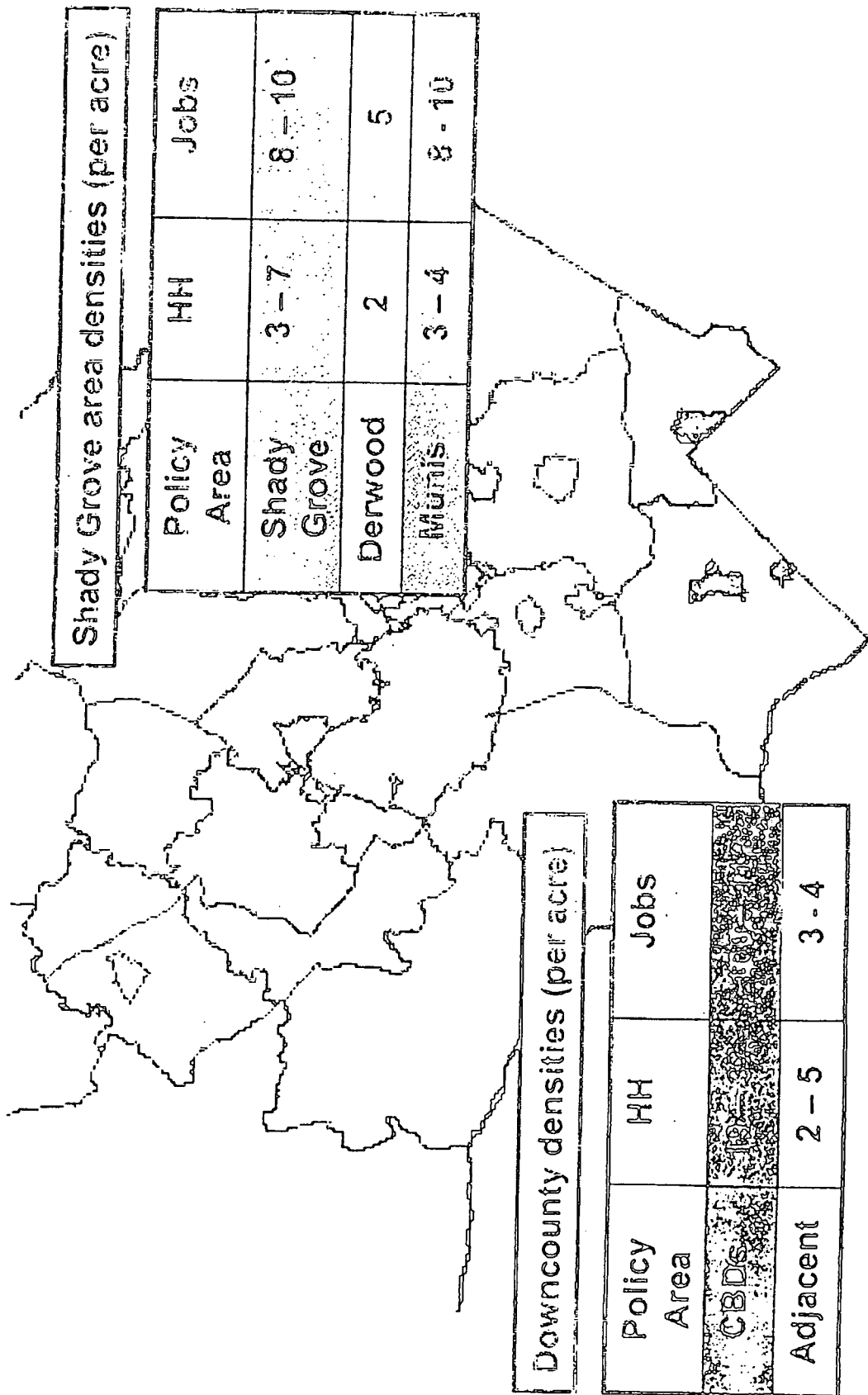
- Proposed housing serves the I-270 housing needs.
- Proposed density levels creates a vital, mixed use residential center at the Metro station. This is where the density needs to be, centrally located at the transportation hub of the I-270 Corridor.
- Proposed density on the County Service Park encourages relocation.
- Proposed network of transportation, recreation and environmental improvements (County-wide elements) supports future growth in Shady Grove and the larger mid county area.

(18)

2. TPR's recommendations for changes in the number of housing units and jobs in the I-270 Corridor and Shady Grove in particular -
 - TPR's recommended JH ratios were used as a guide or target for proposed development of the Plan. Planning Board's increased housing within the Shady Grove Policy Area (directly adjacent to the Metro station) falls within a range that corresponds to the TPR alternative land use JH ratio of 1.39. Appendix C of the TPR Report shows these targets for specific geographic areas.
3. The overall vision for Shady Grove relative to the other I-270 centers -
 - I-270 Corridor is comprised of a number of communities and centers. Each area should have its own distinctive land use character. Employment densities generally increase towards the District. Size of communities generally steps down in overall density towards the edges of the County. See the I-270 Corridor Framework document for specific descriptions of each community within the Corridor and gives the JH ratio comparisons of existing development, TPR recommendations and existing Master Plan.
 - Shady Grove is viewed as a moderate sized center with a mixed use, residential emphasis at the Metro station. It is located between Gaithersburg and Rockville that are considerably larger in jobs and housing than the proposed Shady Grove Plan. See I-270 Framework. The proposed plan is less dense than Bethesda and Rockville, but approximately comparable to Twinbrook in FAR density.
4. Expected increase in housing in Shady Grove compare to potential changes in Germantown, Gaithersburg, Rockville and Twinbrook -
 - TPR's alternative land use will be used as a target or goal for the planning efforts within Gaithersburg Vicinity and Germantown planning efforts.
 - The TPR's alternative land use target is to achieve a JH ratio of 2.62 for the I-270 Corridor north of the beltway. For Gaithersburg, there will be a need to increase housing somewhat to achieve this. For Germantown, there is only a small amount of additional housing needed to achieve TPR's target.
 - For Shady Grove, (the core area covered by the TPR alternative land use), the JH ratio target is 1.39. This has been achieved by the proposed densities of the Planning Board's Draft Plan. The actual numbers of housing and jobs is somewhat greater than assumed within the TPR's alternative because there is a need to take advantage of Metro proximity, achieve comparable density to other non-CBD Metro areas and create a vital mixed use center.

5. Rockville's and Gaithersburg's affect upon the vision for Shady Grove -

- Schools - Proposed land use growth for both municipalities and the mid county area were evaluated for school need. The analysis shows that proposed and existing school sites planned in the mid county area will satisfy the capacity needs. See page 63 of the Supplemental Technical Information.
- Transportation – Municipalities growth was factored into the traffic analysis. How Shady Grove fits into the a comparative traffic analysis, see attached policy area densities that was compiled by the transportation division.
- The City of Rockville's concerns-
 - Concern for the character and traffic along MD 355.
 - More density in the City and wants less density in Shady Grove.
 - Wants coordination of the Twinbrook residential neighborhood with the planning for theTwinbrook Sector Plan.
 - Planning on the annexation of the recently approved Metro project in Twinbrook.
- The City of Gaithersburg's concerns –
 - Need another high school.
 - Planning for the Corridor Cities Transitway @ NIST and Kentlands.
 - Concern for the character and traffic along MD 355.



Shady Grove area densities (per acre)

Policy Area	HH	Jobs
Shady Grove	3 - 7	8 - 10
Derwood	2	5
Munis	3 - 4	8 - 10

Downcounty densities (per acre)

Policy Area	HH	Jobs
CBDs	2 - 5	3 - 4
Adjacent	2 - 5	3 - 4

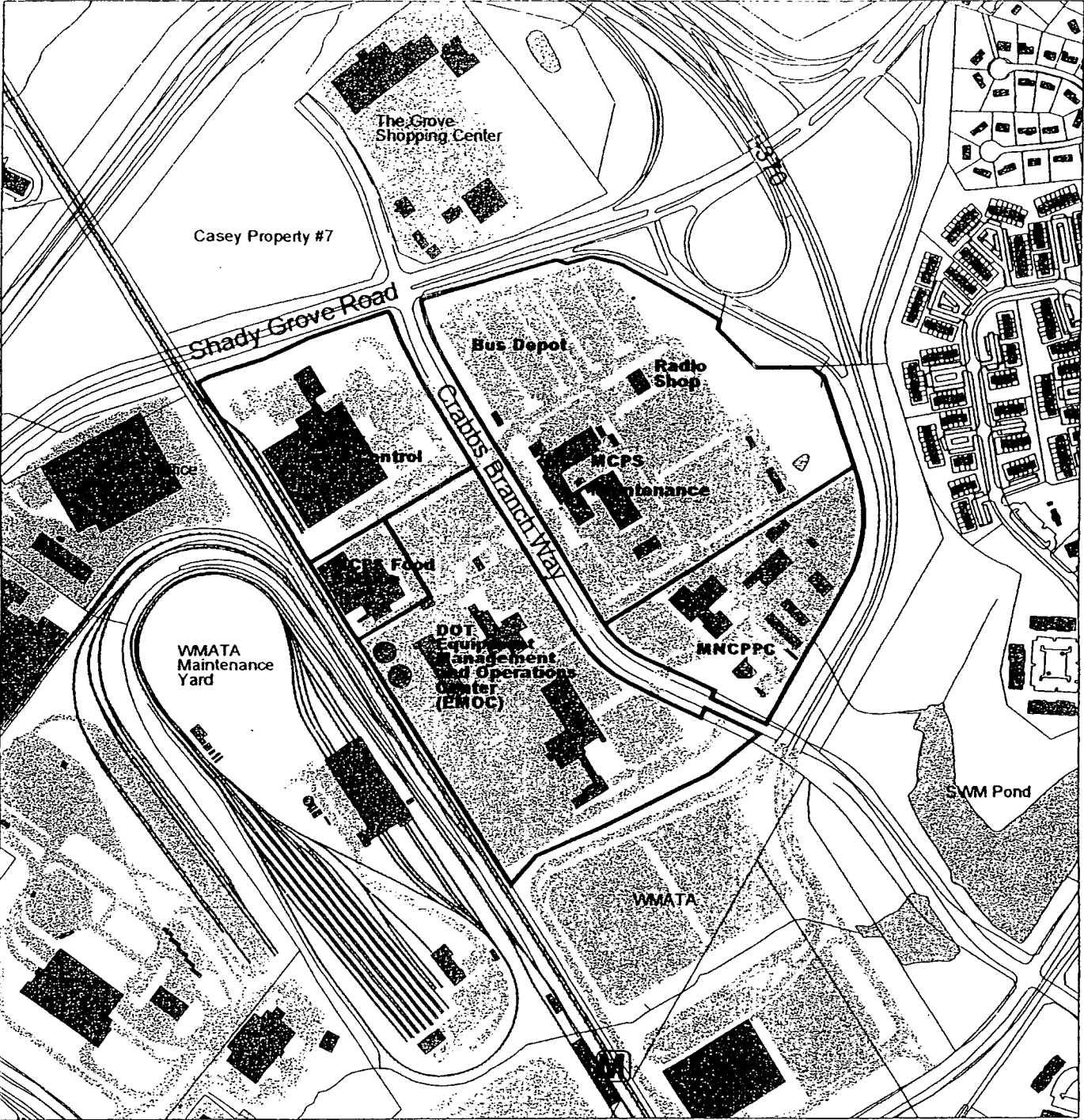
Exhibit 4. Shady Grove Sector Plan Intersection Comparison

Intersection	CLV Congestion Standard (as of 7/1/04)	Forecast 2025 Volume-to-Capacity Ratios			
		Current	Public Hearing Draft Plan Base with TDM	Plus Turn Lanes	Planning Board Draft Plan Base with TDM Plus Turn Lanes
<u>Interchange Locations</u>					
MD 355 / Gude Drive	1475	1.27	1.53	N/A	1.55 N/A
<u>Non-Interchange locations</u>					
Shady Grove Road / Midcounty Highway	1475	1.24	1.40	1.11	1.46 1.18
MD 355 / Shady Grove Road	1800	0.90	1.08	0.93	1.20 1.04
MD 355 / Redland Road	1800	0.73	1.07	0.96	1.10 1.00
Shady Grove Road / Crabbs Branch Way	1800	0.66	0.92		1.10 0.83
Crabbs Branch Way / Redland Road	1800	0.84	0.93		0.96
Shady Grove Road / Oakmont Avenue	1800	0.68	0.89		0.91

Notes:

V/C Ratio calculated as Intersection CLV divided by congestion standard
Peak hour (AM or PM) shown reflects worst V/C ratio

County Service Park Location of Facilities



0 625'

ZONING FOR PROPERTIES IN THE COUNTY SERVICE PARK FACILITIES

County Service Park Facilities are located in the three different sub-areas in the planning area: Metro North, Jeremiah Park and the Shady Grove Road Technology Corridor. The existing and recommended zoning for each of these properties are summarized in the chart below.

Facility	Page	Lot Area (acres)	Existing Zoning	Proposed Zoning*	Proposed Density	With MPDU Bonus Density
Shady Grove Road Technology Corridor						
Department of Liquor Control	27	15	I-1	R&D/I-3	N/A	N/A
Metro Neighborhoods						
DPWT EMOC	38	27	I-1	New Transit Zone	1,000 du	1,220 du
MCPS Food Service Site	38	3	I-1	New Transit Zone	30 du	36 du
Jeremiah Park						
MCPS Bus Depot, Building Maintenance, and County Radio	47	33.5	R-200	R-90/PD-15	Combined 640 du max.	Combined, 640 du max.
MCPS Central Maintenance Facility	47	12	R-200	R-90/PD-15		
Totals		90.5			1670 du max.	1896 du max.

* Proposed Euclidian Zoning/Proposed Floating Zoning

January 11, 2005

Memorandum

To: Marlene Michaelson, Legislative Staff
Montgomery County Council

From: Karen Kumm Morris, Lead Planner
Shady Grove Sector Plan, M-NCPPC

Subject: Casey at Mill Creek
Preliminary Plan 1-02022

The Planning Board approved preliminary Plan, 1-02022, on December 23, 2004 for 185 units with dedication for Legacy Open Space and a reservation for a school site and the Inter County Connector.

History of Development Review

Nov. 5, 2001	Preliminary Plan filed for 196 dwelling units on 65 acres. No park, school site or meadow open space was proposed.
August 27, 2001	Development Review Committee comments on a revised plan showing 165 dwelling units and a park. No school is requested. Developer meets with community groups and in separate agreements with the Town of Washington Grove proposes a dedication of 13 acres of open space along Ridge Road.
February 7, 2002	Planning Board approved designation of 13 acres along Ridge Road, the meadow area of the Casey at Mill Creek, as a Class II site in the Heritage Resource category, amending the Legacy Open Space Functional Master Plan.
February 14, 2001	Planning Board reviewed the Casey at Mill Creek Preliminary Plan in coordination with a SE Productivity Housing proposal, S-2497, for Casey 6 and 7. For discussion purposes only.
Spring 2002	Shady Grove Sector Plan begins community meetings.
July 2002	Shady Grove Purpose and Outreach Report is presented to Planning Board.
September 2002	Development review of revised preliminary plan showing 165 du's, a neighborhood park and legacy open space. Staff requests dedication of all proposed park areas including Legacy Open Space.

- October 2002 Montgomery County School Staff informs MNCPPC staff of the need for a new elementary school given the potential amount of new development in the Sector Plan. It is determined that the current 1985 Master Plan does not designate a school site in this area as in the previous 1977 Master Plan. Lacking MP designation, property owner cannot be required to dedicate or even reserve school property for acquisition. Number of proposed units does not justify dedication.
- Winter - Fall 2003 MNCPPC staff works on school options to determine feasibility and MCPS acceptance of the site. Applicant agrees to provide a reservation for the school site but only in the middle of the site, not the single family area. Meadow area designated for Legacy Open Space is not considered given Planning Board's earlier decisions.
- Dec. 4, 2003 Public Hearing on Draft Sector Plan recommending first priority school site on Casey at Mill Creek. School site recommendation receives 100% community endorsement.
- Winter – Spring 2004 Planning Board reviews Public Hearing Draft Plan.
- July 23, 2004 Planning Board approves a modified Draft Plan supporting the Casey at Mill Creek property as the first priority for a school site. Other sites considered have unacceptable issues. Planning Board Draft is transmitted to County Council.
- Dec. 23, 2004 Planning Board unanimously approves the Preliminary Plan for Casey at Mill Creek for a total of 184 du's, with 65 du's allowed in Phase I to proceed. Phases II and III show dedicated 12 acres of Legacy Open Space and 119 du's with reservations for a future school and ICC. Subsequent phases require LATR improvements and Amity Drive connection to Crabbs Branch. The developer only agreed to a two year reservation for the school.

Background on Legacy Open Space

The Casey Property between I-370 and the Town of Washington Grove was identified in the Appendix of the *Legacy Open Space Functional Master Plan* as a Class III property in 2000. The property was further evaluated when it came to staff's attention in early 2001 that the property was under contract for potential development. Staff determined

that part of the site could provide a valuable buffer to the significant heritage resource that is the Town of Washington Grove. The site was not found to have countywide significance for its natural resources.

The entire Town of Washington Grove has been designated a National Register historic site. The Town was founded as a Methodist camp meeting site and has developed in a manner that preserves the unique land use pattern and rural setting of the town. Over 57% of the Town is preserved as forest. Part of the Casey Property, specifically a meadow along Ridge Road, enhances the environmental setting of this heritage resource by maintaining the Town's rural character. A 13 acre area of former farm fields was identified the historic viewscape extending from Ridge Road to an existing hedgerow providing a defined edge to the farm field.

The 13-acre meadow on this Casey property was determined to be significant according to several Legacy Open Space criteria:

- The property has countywide and national significance in terms of its association with the Town of Washington Grove, a heritage resource of national import with exceptional architectural character and rural viewsapes.
- Because of its association with Washington Grove, the site contributes to the Legacy program's heritage theme of the Rail Community Cluster, of which the Town is part.
- If preserved as open space, the site would serve as a protective buffer of the significant heritage resource that is Washington Grove. Two sides of the Town are preserved as forest today, a third side faces the railroad tracks, and the preservation of this open field would preserve a rural viewscape on the last remaining unprotected side of the Town.

On 2/7/02, The Planning Board designated the 13-acre Ridge Road meadow portion of the Casey Property at Washington Grove as a Class II Legacy Open Space site under the Heritage Resources category of the Legacy Open Space Functional Master Plan. At the Planning Board's direction, staff has worked with the developer of the site (Oxbridge Development) to protect as much of this resource as possible throughout the development review process.

From 2002 to today, Legacy Open Space staff reviewed the Preliminary Plan (#1-02022) at several stages and the Town of Washington Grove has been an active participant in negotiations with the applicant. The Preliminary Plan was recently approved (12/23/04) that includes dedication of 12 acres as the Legacy Open Space resource, including approximately 10.5 acres of the designated field and approximately 1.5 acres of a forested hedgerow adjacent to the field. The Town negotiated with the applicant and reached a compromise whereby houses are proposed on 3 acres of the field in the northeast corner but the forested hedgerow would be saved to preserve the existing

natural edge to the field. The current plan preserves approximately a 50-70 foot width along the entire length of the hedgerow on all phased versions of the preliminary plan.

Once the site is dedicated to the Commission, Legacy staff will work with appropriate staff across the agency and conduct public outreach to create a management plan that will address maintenance and public access issues for the site.

Background of a School Site on Casey at Mill Creek

The 1985 Gaithersburg Vicinity Master Plan does not recommend a school site for in this area of Mill Creek South as did the previous 1977 Sector Plan. The 1985 Master Plan surplused several school sites due to the lack of need at that time projected by the Board of Education (p. 89, 1985 Master Plan). The 1985 Master Plan also noted that the other 1977 park/school site, Blueberry Hill Park, would be used for recreational purposes because of the greater recreational need than for schools, (page 90, 1985 Master Plan). This resulted in the staff's inability to require a school dedication or even a reservation without the applicant's agreement on the Casey at Mill Creek site.

Through staff negotiations, the applicant agreed to provide a reservation for a school site. The location for a potential school site on the Casey property was limited to the middle of the site, a lower level meadow area between two stream valleys, due to the applicant's support for this location, its frontage along Amity Drive (a primary street) and the previous Planning Board decision to preserve the higher elevation meadow along Ridge Road as Legacy Open Space. Several layouts in this location were developed, issues identified and revisions made to address MCPS concerns. See attachment. MCPS supports the location and illustrated layout shown on the preliminary plan and has requested funding for acquisition.

In December, 2004, Staff analyzed alternatives to the proposed school location upon request by Council members. The Legacy Open Space meadow was analyzed for its potential as a school site. The restricted access from Ridge Road (controlled by the Town of Washington Grove), loss of an environmental setting for the Town of Washington Grove, the need to revise the alignment of Amity Drive to serve the school (affecting wetland's crossings), and the elevation change (+8 to 10 feet) from the lower meadow to the Legacy Open Space meadow all created difficulties that would not be easily resolved. In order to address any of these difficulties, a new layout for the preliminary plan would be required. Additional delays and revisions were not supported by the developer although, at one point, they did agreed to revise their proposed 12 acre dedication of the meadow open space to "public use" leaving it possible to consider a school for such public use.

The Planning Board carefully considered the issues and was mindful of the cost of acquisition for the school site. The proposed preliminary plan was approved with the

dedication of 12 acres of Legacy Open Space and the future school shown in a two year reservation. A longer reservation period, although desirable, is not supported by case law and would likely be challenged by the developer.

In approving the Plan, the Board acknowledged their previous commitments to the Legacy Open Space meadow in their earlier designation of the meadow as Legacy Open Space and in the Planning Board Draft for the Shady Grove Sector Plan. They also recognized the need to approve a preliminary plan in a comprehensive manner with the layouts for all phases worked out, and that developer was under no obligation to provide a dedication or reservation. To approve a plan with a revised school site would require major layout revisions, suggesting the need to start over with a completely revised plan. It was recognized that the timing of the preliminary plan application superceding the Sector Plan and the need for the school had created a sequence of events and decisions that resulted in the proposed plan before them.

Michaelson, Marlene

From: Schmieler, Tanya [Tanya.Schmieler@mncppc-mc.org]
Sent: Thursday, January 27, 2005 11:38 AM
To: Michaelson, Marlene
Cc: Kumm, Karen; Zyontz, Jeffrey L., Esq.; Wallis, Mark; Hench, John
Subject: January 31, PHED worksession on Shady Grove

Marlene,

For the Monday Worksession on Shady Grove, Karen Kumm indicated that you had some questions about how PROS needs guided the park proposals for the Shady Grove Plan. I also saw some questions about Blueberry Hill from Marilyn Praisner in the Public Hearing Summary. I have attached some information on both topics below which may be helpful.

How Future Recreation Needs for the Shady Grove Area Relate to the PROS Plan

Estimating exact numbers of ballfields and other recreation facilities needed in Shady Grove is an extremely difficult task and subject to many future variables. Although Shady Grove is considered to be within the Gaithersburg Planning Area, its residents are also served by facilities in Upper Rock Creek and the Cities of Rockville and Gaithersburg. Estimates should be considered as guidelines only and may be revised in the future to accommodate changes in population projections and field participation rates. The proposed Shady Grove Plan increases recreation facilities but still relies on facilities in the adjacent Upper Rock Creek Planning Areas which will have a surplus of recreation facilities if future park proposals are constructed. Park needs are determined in the County's 1998 Park, Recreation and Open Space Plan, which relies on user surveys and demographic forecasting to estimate future community and regional parks needs. These recreational needs are addressed in a policy context that promotes provision of recreational facilities along with preserving environmental character and historic resources.

The 1998 Park Recreation and Open Space (PROS) Plan placed a great deal of emphasis on preservation of natural areas and provision of trails and connectors and indicates a significant deficit of ball fields, basket ball courts and playgrounds in the planning area. The Shady Grove Sector Plan responded to these needs and proposed several types of parks to serve these needs. Although there are a variety of existing parks, the existing facilities do not meet the current need for recreation. The 1998 PROS Plan indicates a year 2010 deficit of 12 ball fields, 5 basketball courts and 11 playgrounds in the Gaithersburg Area which includes the Shady Grove sector Area. Additional residential density will generate additional demand and increase the amount of deficit facilities in the area.

Our needs analysis concentrated on ballfields which are the highest land user of any recreation facility. Of the total 12 unmet needs for ballfields in Gaithersburg, the Shady Grove Area' share was estimated to be 1.6 based on a estimated 2010 population of 10,612 used in the PROS Plan. Using the new Shady Grove Sector Plan proposals, based on a potential dwelling unit range of 5400-6350 staff estimated that there could potentially be between 3 and 6 additional fields needed to serve long range needs of Shady Grove residents. The current Shady Grove Plan field proposals (Jeremiah Park or a park on Casey 6 (2 fields plus 1 new

1/27/2005

13

field at the new Elementary School on the Casey/Washington Grove Property, would satisfy most, but not all of the park and field demand. *The remaining field needs could be met in Upper Rock Creek. The 1998 PROS Plan estimated that there were no additional field needs in Upper Rock Creek for the year 2010, however, the recently approved Upper Rock Creek Master Plan includes park proposals with the potential for up to 6 additional local park fields to help serve adjacent areas. These fields would be very close to Shady Grove and could help serve any remaining unmet needs.*

In looking at the range of parks needed, the Shady Grove Plan also uses information from several different surveys including the 2000 Park User Survey and the 2003 Park User Satisfaction Survey. Recent survey findings relevant to Shady Grove found that:

- *local parks have shown the greatest increase in use since 1990, with demand particularly for ballfields, basketball courts, and playgrounds*
- *both residents and employees use urban parks*
- *walking, hiking, and nature walks are the most common recreational activities*
- *students perceived the highest shortages in hiker-biker trails*

To respond to these needs the Plan also creates new neighborhood and nature-oriented parks, path and trail opportunities, and a series of urban parks.

Blueberry Hill

Blueberry Hill is an existing 20.9 acre park school site owned by MNCPPC. In 1977, 10.23 acres were purchased for a park and in 1983, 10.67 acres were dedicated by the developer of the adjacent housing development to M-NCPPC for a school, to be retained as parkland until it was needed for school purposes. If it was not needed for a school, then the entire parcel was to remain as parkland. The park was subsequently developed on half of the site. Although an open field when dedicated, the school site has naturally developed into a wooded area that is enjoyed by the neighborhood as natural open space. The community has strongly supported the site as open space. The Plan states that the site should be preserved for recreation, preferably for passive recreation and open space. In the long term, it states that the undeveloped portion of this park may be needed for active recreation or to meet future school needs.

Tanya K. Schmieler, Park Planning Supervisor
 Park Planning and Resource Analysis
 1109 Spring St. Suite # 802
 Silver Spring, MD 20910
 301-650-4392 Fax 301-650-4371

SHADY GROVE PARK NEEDS

Summary of Future Park Needs

The proposed increase of between 5400 and 6350 new dwelling units in Shady Grove would certainly seem to indicate the need for new local park facilities to serve this new population. Analysis of Current Use of Shady Grove Parks showed that the existing Shady Grove parks are currently being used to capacity thus any additional population would require additional recreation facilities. Ballfield permits for spring 2003 show the regulation size fields at Blueberry Hill were permitted over capacity. Redland Local Park, which has only a youth size soccer field, was permitted nearly to capacity. Additionally the year 2000 Park User Survey of Blueberry Hill Local Park showed a 160 % increase in use since 1995. There were an average of 79 people counted at the park at each visit in 2000 (.Redland Local Park was not surveyed.)

The proposed Jeremiah Local Park in the Shady Grove Master Plan is well located to serve the proposed new development. It could provide a playground, multi-use court and 2 fields within walking distance of the future population. If a school is jointly located on the site, they could share parking and some facilities. A park/school site generally provides more aesthetic and park-like amenities than a school alone. Approximately 15 acres would be needed for a park/school unless there is structured parking. A park school site would probably yield a total of 2 fields.

There are a number of options for providing for local park needs. Because ballfields require the largest amount of land, they have been used as a basis for the evaluation of alternatives. The number of additional fields needed ranges from 3-6 based on a potential dwelling unit range of 5400-6350. The Plan will provide 3 new ballfields with Jeremiah Park and the new school on the Casey/Washington Grove site. As previously mentioned, if a park school is provided on the County Service Park site (Jeremiah), it is probable that two ballfields will be provided. If the dwelling units in Shady Grove are determined to be in the higher range, additional needed fields could be ultimately be provided in a variety of ways. 1) From new park development on existing park sites in the adjacent Rock Creek Planning Area (These include Winters Run Local Park adjacent to Redland Middle School or the proposed Muncaster Local Park on Rt. 108; 2). Other options are additional active recreation development on Blueberry Hill Local Park; or 3) Purchase and development of the Casey 6 site. This later proposal has the impact of additional acquisition costs, but places the facilities closer to the Shady Grove new development.

Determining Future Recreation Needs for the Shady Grove Area

Estimating exact numbers of ballfields and other recreation facilities needed in Shady Grove is an extremely difficult task and subject to many future

variables. Although Shady Grove is considered to be within the Gaithersburg Planning Area, its residents also have access to facilities in Upper Rock Creek and the Cities of Rockville and Gaithersburg. Need estimates should be considered as guidelines only and may be revised in the future to accommodate changes in population projections and field participation rates. Park needs are determined in the County's 1998 Park, Recreation and Open Space Plan, which relies on user surveys and demographic forecasting to estimate future community and regional parks needs. These recreational needs are addressed in a policy context that promotes provision of recreational facilities along with preserving environmental character and historic resources.

The Relationship between Future Recreation Needs for the Shady Grove Area and the 1998 Park Recreation and Open Space (PROS) Plan .

The 1998 PROS Plan placed a great deal of emphasis on preservation of natural areas and provision of trails and connectors and also indicated a significant deficit of ball fields, basket ball courts and playgrounds in the planning area . The Shady Grove Sector Plan responded to these needs and proposed several types of parks to serve these needs. Although there are a few existing parks, the existing facilities do not meet the current and future need for recreation. The proposed Shady Grove Plan increases recreation facilities but still relies on facilities in the adjacent Upper Rock Creek Planning Areas which will have a surplus of recreation facilities if future park proposals are constructed.

The 1998 PROS Plan indicates a year 2010 deficit of 12 ball fields, 5 basketball courts and 11 playgrounds in the Gaithersburg Area which includes the Shady Grove sector Area. Additional residential density will generate additional demand and increase the amount of deficit facilities in the area. Our needs analysis concentrated on ballfields which are the highest land user of any recreation facility. Of the total 12 unmet needs for ballfields in Gaithersburg, the Shady Grove Area' share was estimated to be 1.6 based on a estimated 2010 population of 10,612 used in the PROS Plan. Using the new Shady Grove Sector Plan proposals, based on a potential dwelling unit range of 5400-6350, staff estimated that there could potentially be between 3 and 6 additional fields needed to serve long range needs of Shady Grove residents. The current Shady Grove Plan field proposals .Jeremiah Park (2 fields) or a park on Casey 6 (1 field) plus 1 new field at the new Elementary School on the Casey/Washington Grove Property, would satisfy most, but not all of the park and field demand. The remaining field needs could be met in Upper Rock Creek. The 1998 PROS Plan estimated that there were no additional field needs in Upper Rock Creek for the year 2010, however, the recently approved Upper Rock Creek Master Plan includes park proposals with the potential for up to 6 additional local park fields to help serve adjacent areas. These fields would be very close to Shady Grove and could help serve any remaining unmet needs.

Additional Background Information

In looking at the range of parks needed, the Shady Grove Plan also uses information from several different surveys including the 2000 Park User Survey and the 2003 Park User Satisfaction Survey. Recent survey findings relevant to Shady Grove found that:

- local parks have shown the greatest increase in use since 1990, with demand particularly for ballfields, basketball courts, and playgrounds
- both residents and employees use urban parks
- walking, hiking, and nature walks are the most common recreational activities
- students perceived the highest shortages in hiker-biker trails

To respond to these needs the Plan also creates new neighborhood and urban parks as well as pathways within stream valley parks.

March 9, 2005

Memorandum

To: Marlene Michaelson, Senior Legislative Analyst
From: Karen Kumm Morris, Lead Planner *KKM*
Shady Grove Sector Plan

Subject: Public Facilities in the Shady Grove Sector Plan

As the PHED Committee explores alternatives to the Planning Board's Draft Sector Plan's arrangement of public facilities, it is helpful to visualize the big picture of each option with illustrations and analysis. Each option must meet community facility needs and some options are preferable to others. The needed public facilities on each option is as follows:

Public facilities needed to serve 5,400 to 6,340 units are:

- A library, minimum of 40,000 sf
- One elementary school and part of a new high school (located outside the planning area)
- A community center, minimum 12,000 sf
- 3 ball fields (adult regulation sized), and several multi-purpose play areas
- A neighborhood park
- 2 urban parks

The location of public facilities is a critical element of the Plan. Public facilities should be used as principle organizing elements, creating a focus for community life in each neighborhood. Each option arranges these facilities in a manner that creates a civic focus, is feasible for the site, and provides convenience for the community.

Planning Board Draft Plan – 15 acres of public land on CSP (Jeremiah Park)

- Elementary school (junior ball fields) on Casey at Mill Creek
- Library/community center (co-located in one building with structured parking) on CSP, 5 acres
- Local Park (central civic space includes 2 adult ball fields, multi-age recreation, seating areas, courts), a minimum 10 acres
(Total public land in County Service Park - 15 acres)
- Local Park with 1 adult field on Casey 6
- 2 urban parks on either side of Metro
- 1 neighborhood park on Casey at Mill Creek

This is the best option in providing for public facilities. The Planning Board's Draft Plan arranges facilities in manner that fits site constraints and achieves convenience by locating the library and park space within convenient walking distance to the new community. The new neighborhood proposed for CSP with its 1,670 to 1,890 units with MPDU bonus need to have park facilities within walking distance. Since the three needed ball fields cannot be sited within Casey 6 and Casey at Mill Creek due to environmental constraints, the Planning Board's Draft Plan locates two of these required fields within the CSP. These fields serve double duty as valuable civic open space.

Residential development of the CSP (Metro North – EMOC and MCPS Food Service and Jeremiah Park) achieves 1,670 to 1,890 units with a mix of 32% single family attached and 68% multi-family units.

Alternative 1 – 13.5 acres of public land on CSP

- Elementary school/community center, (with two ball field) on County Service Park, a total of 13.5 acres on CSP
- Library on Metro North- WMATA
- Local Park with 1 adult field on Casey 6
- 2 urban parks on either side of Metro
- 1 neighborhood park on Casey at Mill Creek

This option locates the school with structured parking within the CSP and provides two adult ball fields. A community center is co-located with the school/park site to provide convenience for after school programs. The CSP neighborhood is served by the school, a community center and two ball fields that will serve as civic space when not in use. The library would be provided adjacent to the Metro station. Casey 6 provides only one adult ball field with needed parking due to environmental constraints. Casey at Mill Creek would be developed with housing and not a school. This option functionally works, but would require the relocation of the CSP and does not substantially improve the unit mix for more single family attached units within the unit mix of the CSP.

Alternative 2 – 8.5 acres of public land on CSP

- School on Casey at Mill Creek
- Library/community center (co-located in one building with structured parking) on CSP, 5 acres
- Local Park (central civic space includes 1 adult ball fields, multi-age recreation, seating areas, courts), a minimum 3.5 acres
(Total public land in County Service Park - 8.5 acres)
- Local Park with 1 adult field on Casey 6
- 1 adult ball field on School site at Casey at Mill Creek
- 2 urban parks on either side of Metro
- 1 neighborhood park on Casey at Mill Creek

This option locates the school on Casey at Mill Creek and provides for the library/community center and park with only one adult field on the CSP. The other two required ball fields can be achieved with one field on Casey 6 and one field on the school site at Casey at Mill Creek. To achieve an adult field on the school site at Casey at Mill Creek will require grading into the hedgerow, retaining walls and possible grading into the stream valley buffer. This option is only acceptable if the provision of the adult sized field does not result in recreational activity within the stream valley buffer.

The advantage of this option is that three ball fields are accommodated and the library/community center and park is still achieved within the CSP at less acreage than the Planning Board's Draft Plan. Residential development of the CSP would have more land to provide for single family attached units under this option. The total number of units would not increase but the mix of units would change with an increase in single family attached and a decrease in multi-family units.

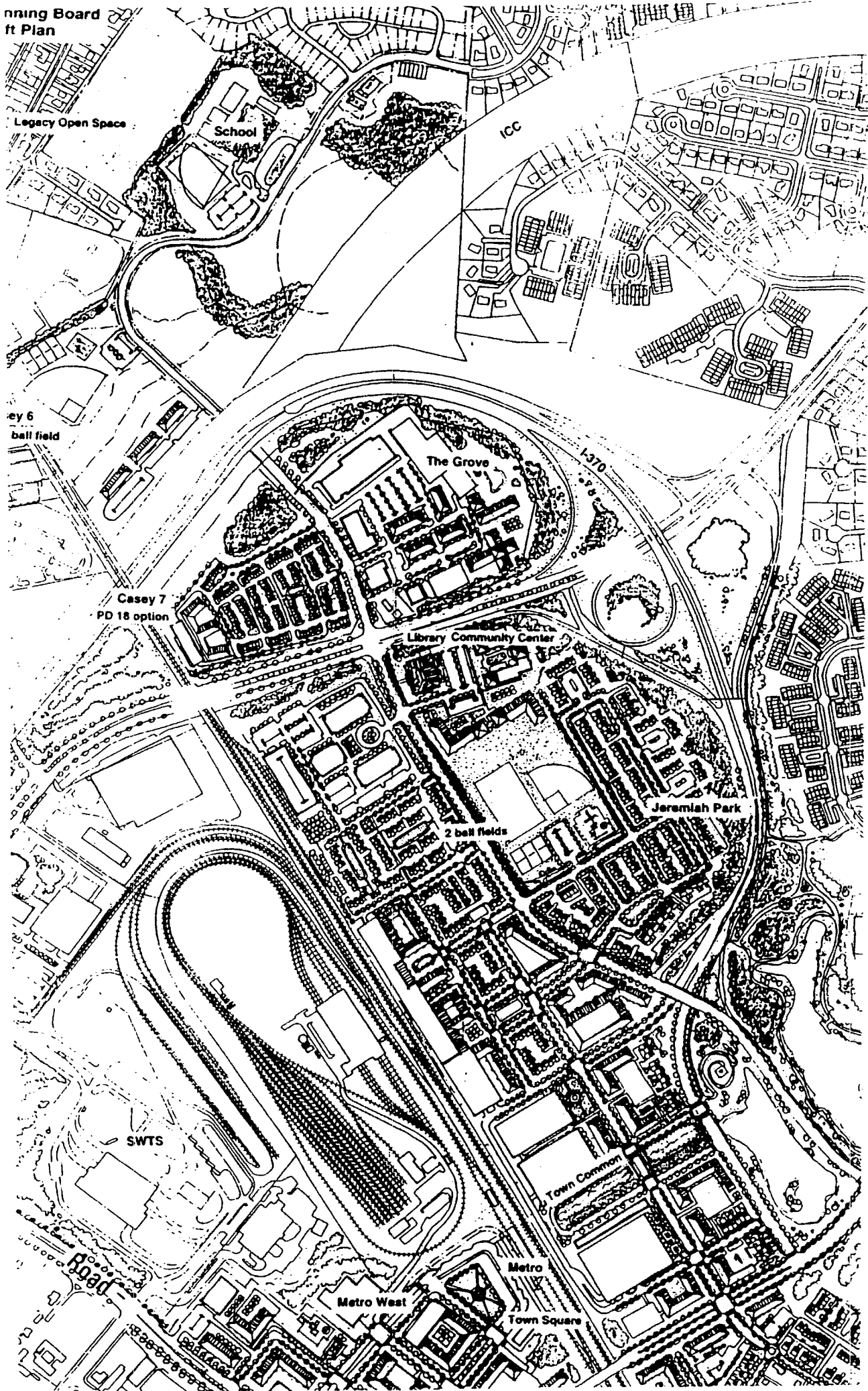
Assumptions on the Relocation of the County Service Facility

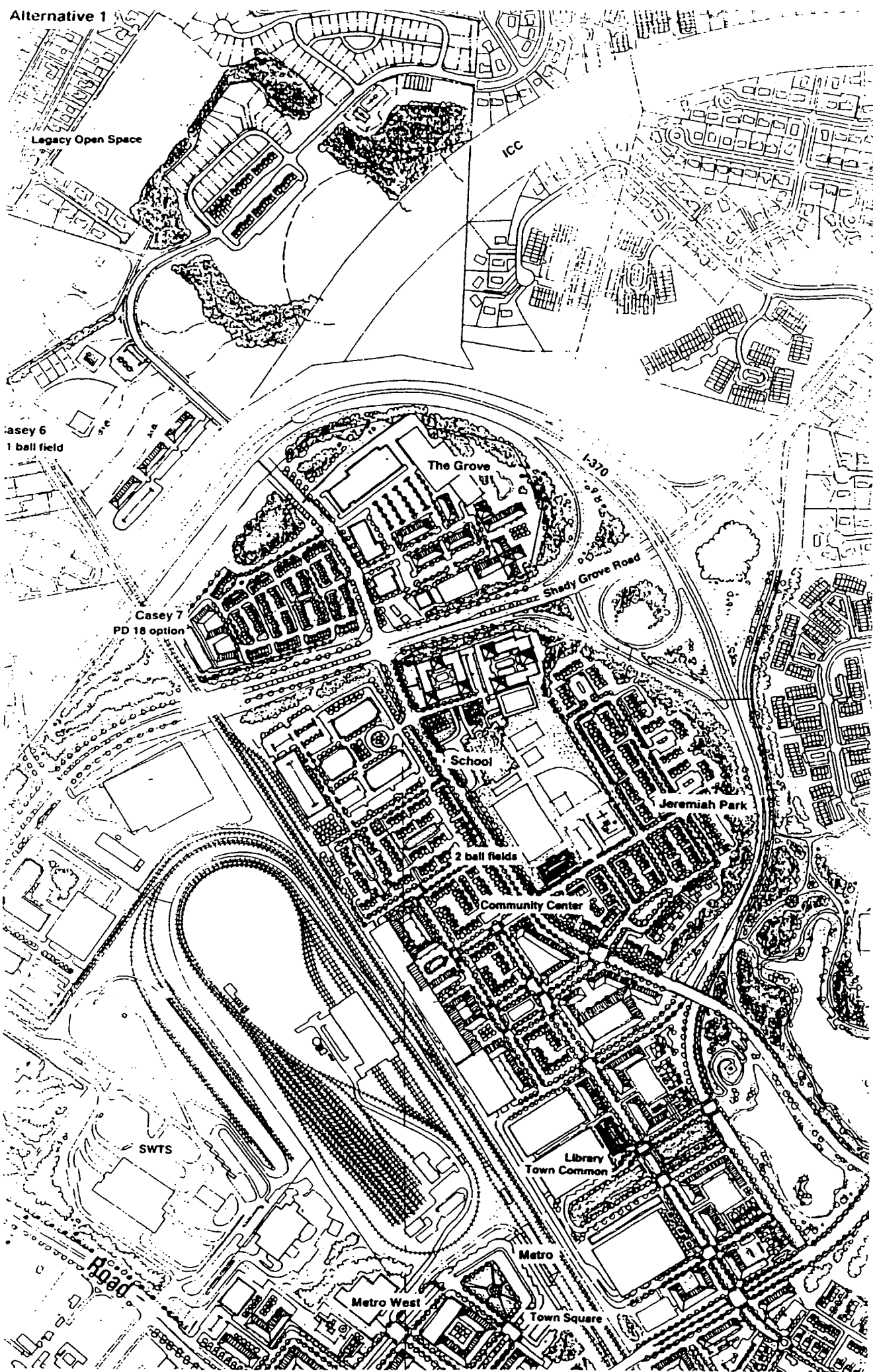
The Planning Board Draft Plan does not require the relocation of the county facilities although it strongly recommends it. The options illustrated in this packet all show the CSP facilities located outside the planning area. In the event that some of the county facilities are relocated to Casey 6 and 7, as the Plan supports, the park facilities shown on Casey 6 would not be achieved. Unmet ball fields in that scenario would need to be met outside the planning area.

Conclusion

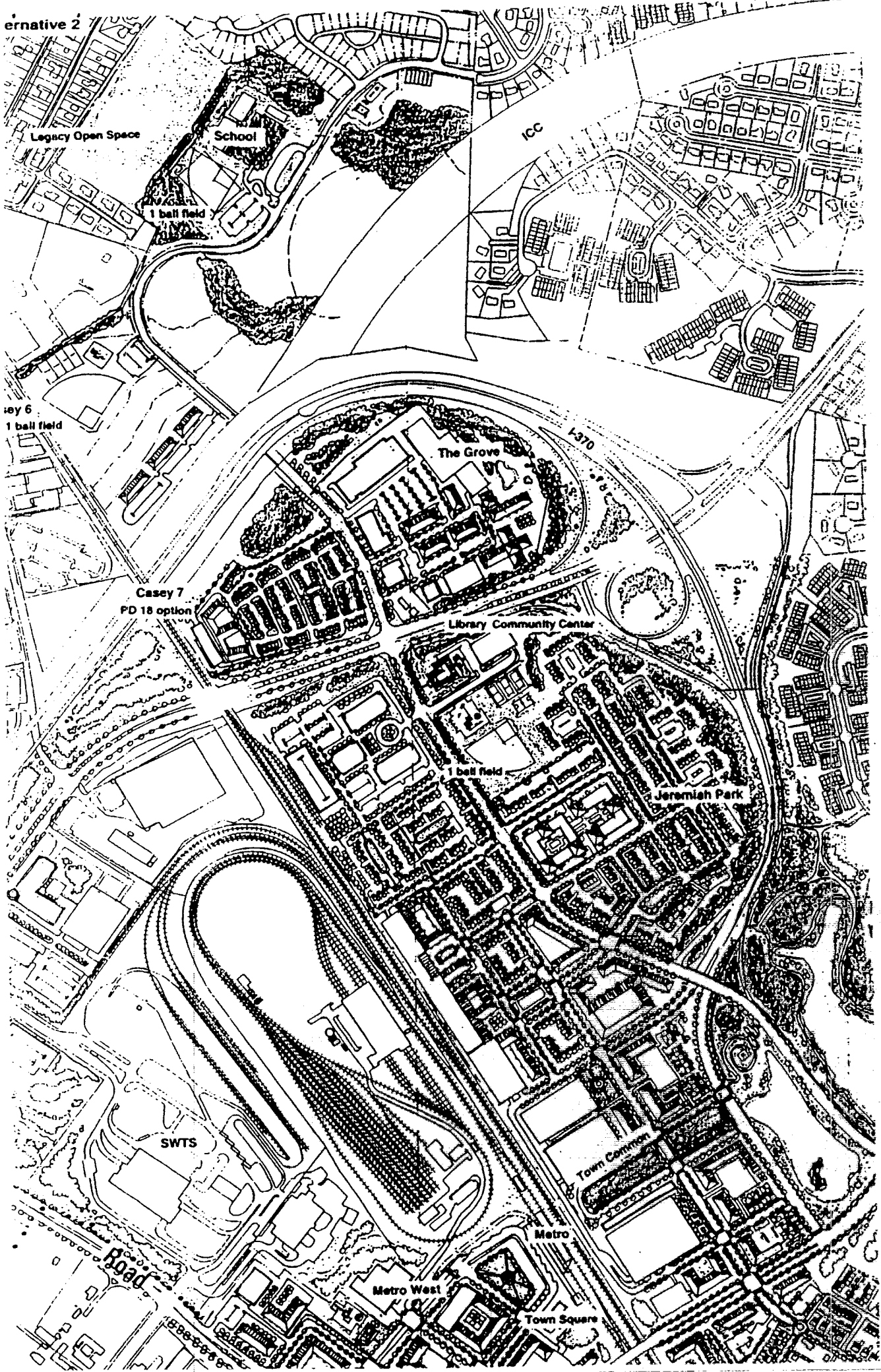
Staff supports the Planning Board's Draft Plan because it meets the recreation needs of the new community, does not impose an adult sized ball field on the school site at Casey at Mill Creek and provides the an appropriate amount of open space within the CSP neighborhood. Given the density and size of the proposed community on the CSP, open space is critical to creating a desirable community. The Jeremiah Park neighborhood is the best location to provide this open space within Jeremiah Park as a transition to the existing Derwood community.

Planning Board
Site Plan





ernative 2



Materials originally on ©24-29 are not included in this packet.



DEPARTMENT OF POLICE

Douglas M. Duncan
County Executive

March 21, 2005

J. Thomas Manger
Chief of Police

Marlene L. Michaelson
Senior Legislative Analyst
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

014078

Dear Ms. Michaelson:

I have been informed that the Planning, Housing and Economic Development Committee is concluding work sessions on the Shady Grove Sector Plan, which proposes to create an urban village at the Shady Grove Metro station area. The land-use recommendations contained in the Draft Sector Plan would add new residences, businesses and community facilities to an area that is presently industrial. This area is currently located inside the boundaries of the 1st Police District (Rockville) and is immediately adjacent to the boundaries of the 6th Police District (Montgomery Village/Gaithersburg).

The Montgomery County Police Department has been conducting site selection for a new 6th District Police Station to serve existing and future needs in the mid-county, including the area adjacent to the Shady Grove Metro station. We will continue to keep the County Council and Maryland-National Capital Park and Planning Commission apprised of our plans for police-service delivery within the Shady Grove Sector Plan.

At this time, I do not want to preclude a future need for increased police presence in this area where additional population density will occur. The Sector Plan identifies a site at Shady Grove Road and MD Route 355 for a future Fire-Rescue facility. Although I have not yet had any formal discussions with the Fire Department, this location could also be an ideal site for a co-located future satellite police facility.

Should you have any questions or comments regarding this matter, please contact Assistant Chief Bill O'Toole at (240) 773-5200. Thank You.

Sincerely,

J. Thomas Manger
Chief of Police



JTM:mam

Office of the Chief of Police

2350 Research Boulevard • Rockville, Maryland 20850-3294 • 240/773-5000, TTY 301/762-7619

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SHADY GROVE SP
2) ENV & ENERGY



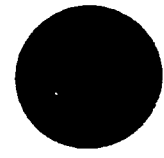
MONTGOMERY COUNTY
COUNCIL

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AT
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MM

SOLID WASTE ADVISORY COMMITTEE

January 5, 2005



012837

The Honorable Thomas Perez
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear Mr. Perez:

The Montgomery County Planning Board has approved the Shady Grove Sector Plan envisioning high density residential housing abutting the existing Solid Waste Transfer Station complex. The Solid Waste Advisory Committee (SWAC) has some compelling concerns if the Sector Plan is implemented as approved by the Planning Board.

The Transfer Station and Recycling Center play fundamental roles in the County's overall Solid Waste Management Plan and have been at their current location for more than 20 years. Developing high density residential housing adjacent to the Transfer Station will invariably lead to public complaints and appeals to relocate the facility. Relocating the Transfer Station is not an option in terms of cost, traffic and logistics. Other factors to consider when visualizing high density residential housing bordering the Transfer Station include:

- The Transfer Station operates seven days a week and its permit mandates that all solid waste be containerized and removed from the facility before it begins operations the following morning. Although the facility generally finishes this laborious task in the late evening hours, the permit allows the facility to operate 24 hours daily if required.
- Approximately six months of every year the Transfer Station receives substantial quantities of yard trim. The Transfer Station can become quite odorous during the peak season (spring) when yard trim may be five or six days old when it arrives at the facility. Although the County is in negotiations with the Washington Suburban Sanitary Commission to purchase some land on Gude Drive to use for a yard trim receiving and processing facility before shipping it out for recycling, the sale has not been finalized. If the sale goes through, the land will require some site modifications before it can be used for this purpose.
- Historically, people tend to complain when an industrial operation is located next to residential housing. The Transfer Station can be a source of dust, noise and litter from vehicles and general operations.

The Honorable Thomas Perez
January 5, 2005
Page Two

In summary, SWAC does not support the Planning Board's Shady Grove Sector Plan to build residential housing adjacent to the Transfer Station in Derwood, Maryland. However, if the Plan is approved as submitted, SWAC recommends that a buffer zone with a sufficient barrier of trees be introduced between the Transfer Station industrial site and the proposed residential housing to minimize any future animosity towards the Transfer Station.

We hope you will incorporate our recommendation to include a buffer zone into the approved Shady Grove Sector Plan. Please feel free to contact SWAC if you have any questions concerning this recommendation.

Sincerely,



Denise F. Hawkins
Chair

cc: Arthur Holmes, Jr., Director, DPWT
Arthur G. Balmer, Chief, DSWS
Aron Trombka, Legislative Analyst, MCC
Marlene Michaelson, MCC
MCC PHED Committee Members



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

MEMORANDUM

February 1, 2005

TO: Aron Trombka, Legislative Analyst
Montgomery County Council

FROM: Peter Karasik, Program Manager *PK*
DPWT/Division of Solid Waste Services

SUBJECT: WSSC Property

Per the request of the Planning, Housing and Economic Development (PHED) Committee, please find attached figures showing the mothballed WSSC treatment plant and associated property that DPWT/DSWS would like to purchase at 700 E. Gude Drive. Please let me know if you would like additional information.

PRK:pk/trombka12005.doc

Attachments

cc: Arthur G. Balmer, Chief, DPWT/DSWS
Robert T. Willson, Section Chief, Solid Waste Operations, DPWT/DSWS



Division of Solid Waste Services

16101 Frederick Road • Derwood, Maryland 20855-2223 • 301/840-2370, FAX 301/840-2385

www.montgomerycountymd.gov/solidwaste

Located at the intersection of Route 355 and Shady Grove Road

♻️ Printed on recycled and recyclable paper

33

May 13, 2004
NONE
NO

- LEGEND
- PAULT
 - SURVEY
 - LIGHT POLE
 - ELECTRIC MANHOLE
 - UTILITY POLE

NAD 83 \ 91
SCALE 1" = 100'

PROPERTY OF
MONTGOMERY COUNTY
L2875 F.213

PARCEL 'A'
ROCK CREEK INTERIM
SEWER TREATMENT PLANT
P.B. 102 P.No. 11576

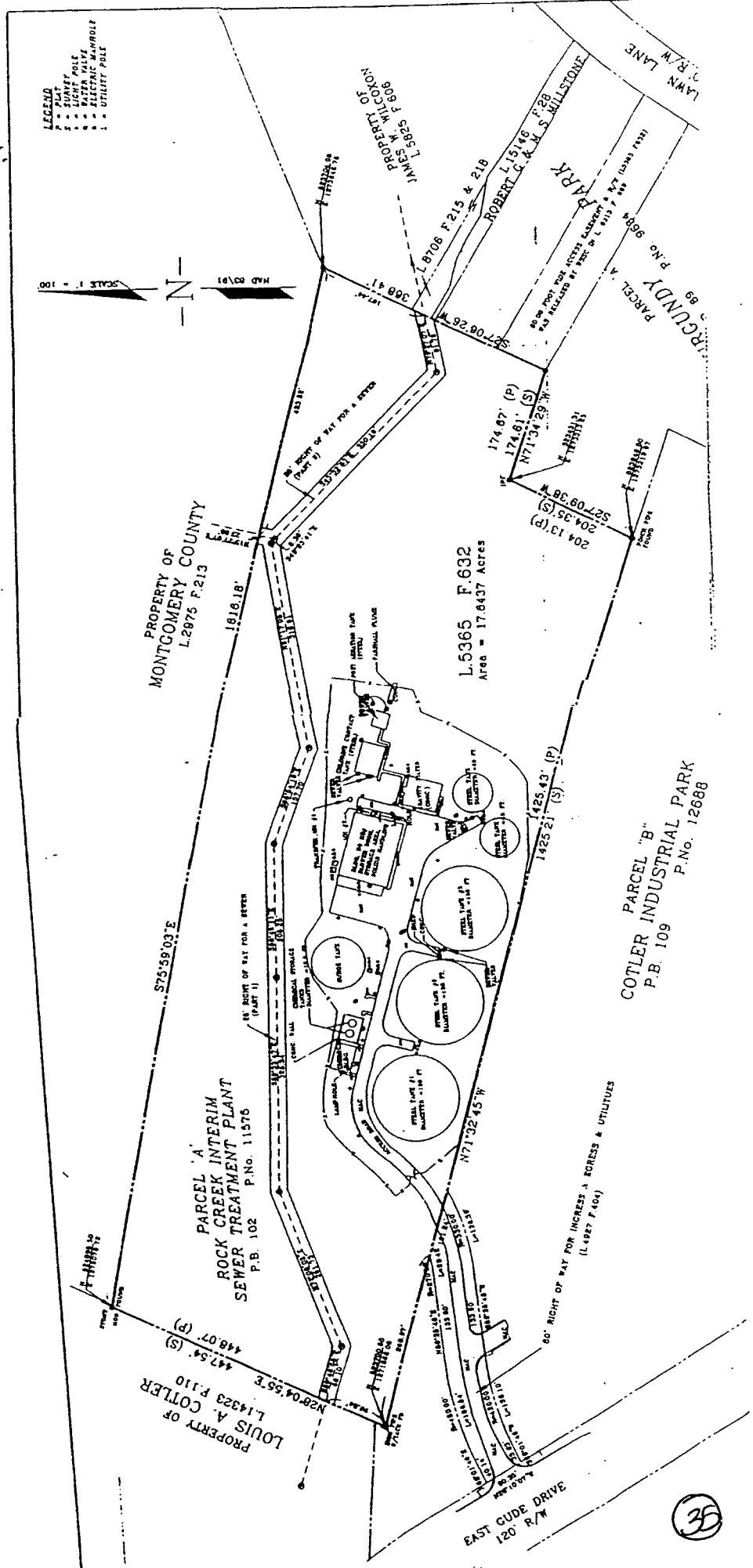
PROPERTY OF
LOUIS A. COTLER
L14323 F.110

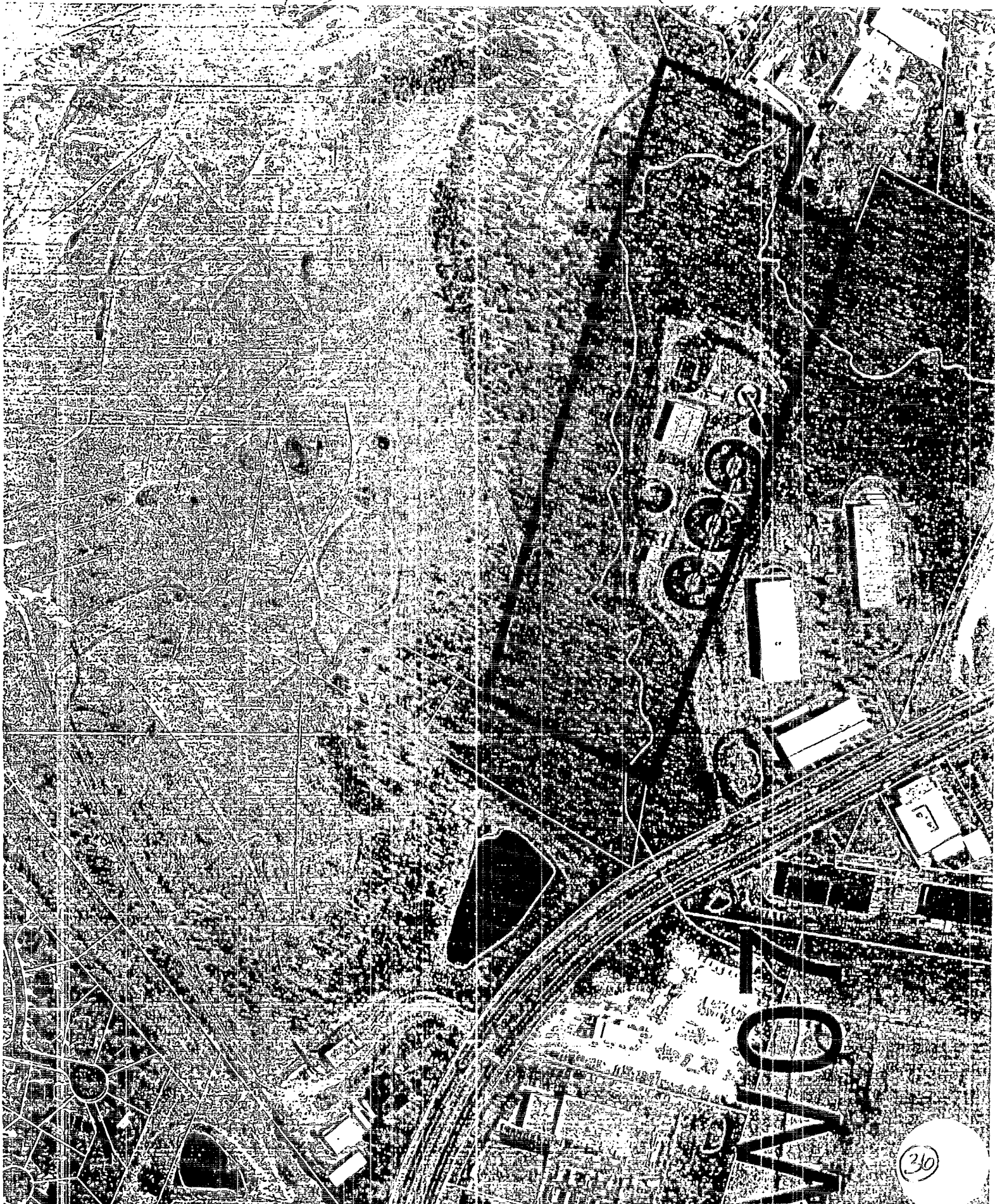
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Area = 17.8437 Acres

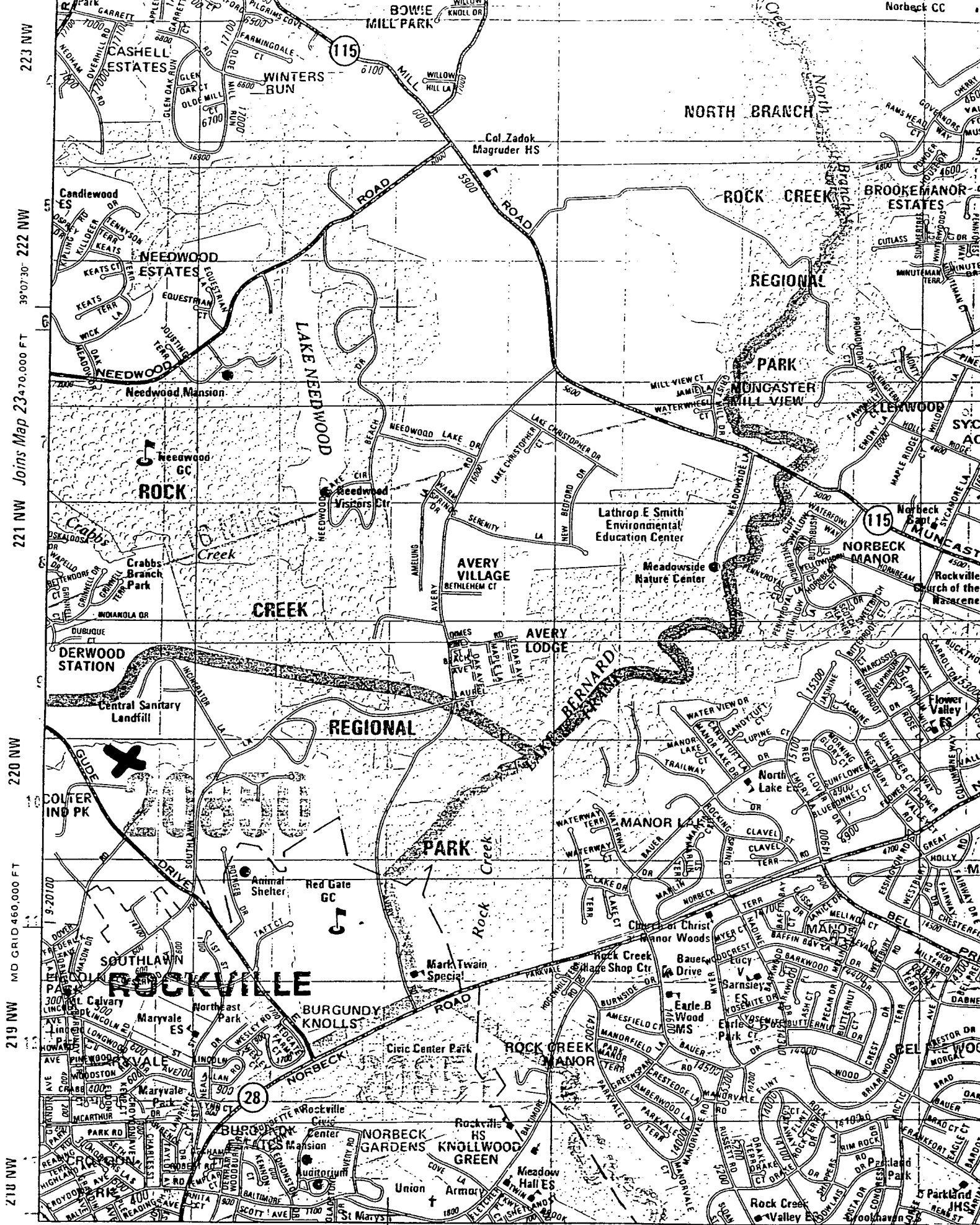
PARCEL "B"
COTLER INDUSTRIAL PARK
P.B. 109 P.No. 12688

EAST GUDE DRIVE
120' R/W

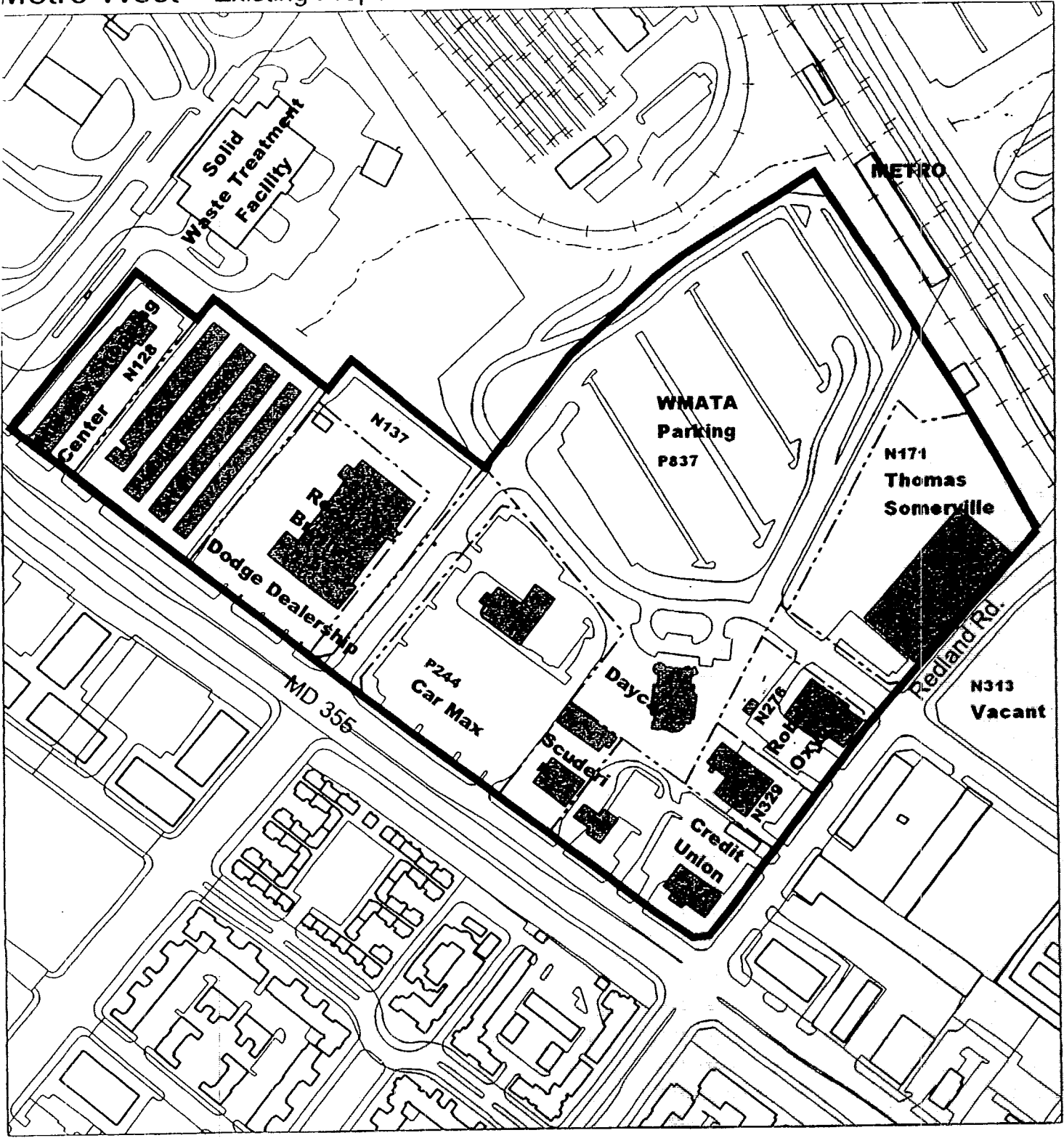
PARCEL A
P.No. 9684
PROPERTY OF
MONTGOMERY COUNTY
L.53146 F.28
Area = 17.8437 Acres







223 NW
222 NW
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218 NW



June 7, 2005
Memorandum

To: Marlene Michaelson, Legislative Analyst
From: Karen Kumm Morris, Lead Planner
Shady Grove Sector Plan

Subjects: Item 1: The Partnership Proposal
Item 2: Redefining the Vision for Properties east of the CSX Tracks

Item 1: Partnership Proposal

The proposal recommends the following:

- Shift 340 housing units from three Metro West properties located north of King Farm Boulevard to Casey 7 with the provision that these units also could be transferred to Metro North and Jeremiah Park (the County Service Park).
- Shift 447 jobs from properties along Shady Grove Road on to the three Metro West properties (Reed Car dealership, Public Storage and Midway Shopping Center) resulting in a commercial density of .75 FAR. (See the Partnership's Final Density Modifications Table for specific properties)
- Includes 340 jobs from Robert's Oxygen that were previously not counted in the Jobs calculations on the Planning Board's Draft Plan.

Staff Analysis of Proposal

- Maintains existing jobs/housing balance of the Plan. Overall, it results in approximately 1.7 JH within the rezoned properties, and a 1.4 JH within the Shady Grove Policy area. This meets the County's policy to achieve a balance of 1.6 JH. The TPR policy was to achieve a 1.4 JH ratio within the Shady Grove Policy Area.
- Achieves a .75 FAR for three Metro West properties that in time will provide sufficient development incentive for these businesses to redevelop.
- Moves 447 jobs from Shady Grove Road closer to Metro, thus lowering jobs along the Technology Corridor but achieving closer transit proximity for these jobs. This is desirable for transportation reasons.
- Maintains a commitment to no more than 2,240 housing units for the combined properties of Casey 6, Casey 7 and the County Service Park. This commitment remains within the school capacity constraints of the Plan.
- Proposed transfer of 340 housing units from Casey 7 to Metro North and Jeremiah Park cannot be approved because density cannot be transferred between these zone proposed these properties.

If the PHED Committee wishes to pursue a job and housing shift, this proposal shifts jobs closer to the Metro station, reduces jobs at the edges of the Plan closer to the existing community, and does not create a school capacity problem. Technology jobs

along Shady Grove Road are reduced. Proposed Plan text amendments clarify the commitments to the total housing units.

The proposed transfer of density from Casey 7 to Metro North and Jeremiah Park cannot be approved because it involves zones that do not have transfer provisions. The key is to remain within the school capacity that allows up to 2,240 units on the three properties, Casey 6 Casey 7 and the County Service Park. Allocating density among these properties must be done in a way that each property can develop independently or be part of a joint development. All scenarios cannot exceed 2,240 units. To achieve this, the following language is recommended:

- In no case shall the total residential units for all three properties exceed 2,240 units in order to stay within the school capacity ceiling of the Plan.
- If all three properties, Casey 6, Casey 7 and the County Service Park are submitted as a joint development, the overall housing density distributed among the three properties can be up to 2,240 units. Under this scenario, the maximum amount of density on Casey 6 shall be 130 units and on Casey 7, the maximum amount of residential shall be 340 units.
- Within the first two years after the adoption of the Plan, consistent with the Staging recommendations, if these three properties, Casey 6, Casey 7 and the County Service Park are not jointly developed, the residential density for each property under optional zoning is as follows: The County Service Park may have up to 1,900 residential units. Casey 7 may have up to 210 residential units under a PD 13 zone. Casey 6 may have up to 130 units.
- After the two years adoption of the Plan consistent with the Staging, the residential density for each property under optional zoning is as follows: The County Service Park may have up to 1,770 residential units. Casey 7 may have up to 340 residential units under a PD 18 zone. Casey 6 may have up to 130 units under the I-3 housing option, but in no event shall all properties combined exceed 2,240 units.

Item 2: Redefining the Vision for Technology Properties East of the CSX Tracks

The PHED Committee's recommendations to include the Department of Liquor into Metro North and rezone it with the TOMX zone slightly alters the Plan's Vision in this area east of the CSX tracks and north of Shady Grove Road. There should be some reconsideration of the Vision since Casey 7 no longer really is connected to the proposed Technology Corridor as originally envisioned. The Plan originally called for Casey 7 to be part of the Technology Corridor and Robert's Oxygen and Casey 6 to be Light Industrial. (See page 10 of the Plan).

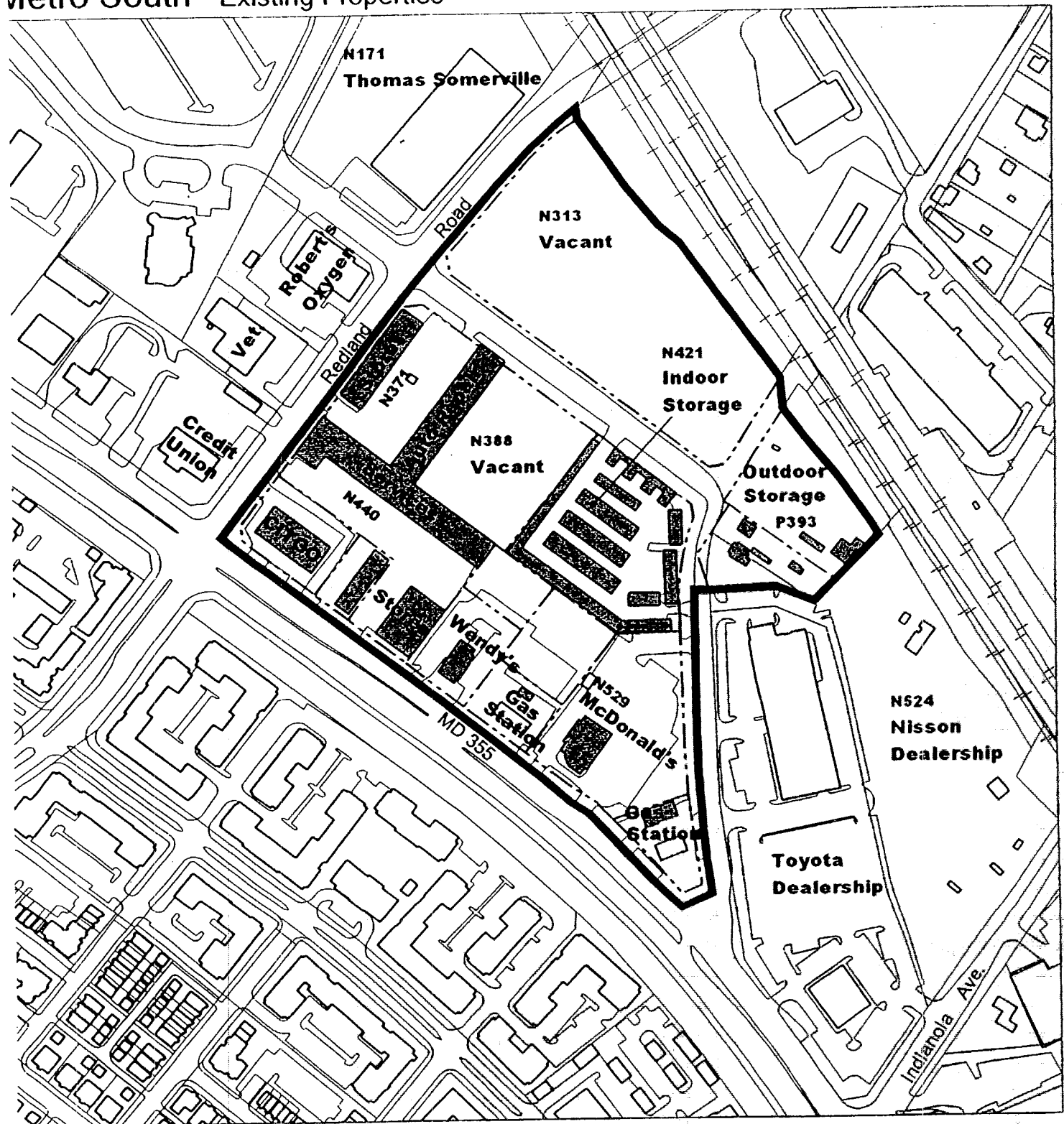
The Plan's Vision might be reconsidered collectively for Casey 7, Casey 6 and Robert's Oxygen, properties that are east of the CSX tracks, north of Shady Grove Road and west of Crabbs Branch Way. The proposed land use character for these properties is

a mixture of office, research and development, parks and housing. The level of density is low reflecting the transitional proximity to nearby residents.

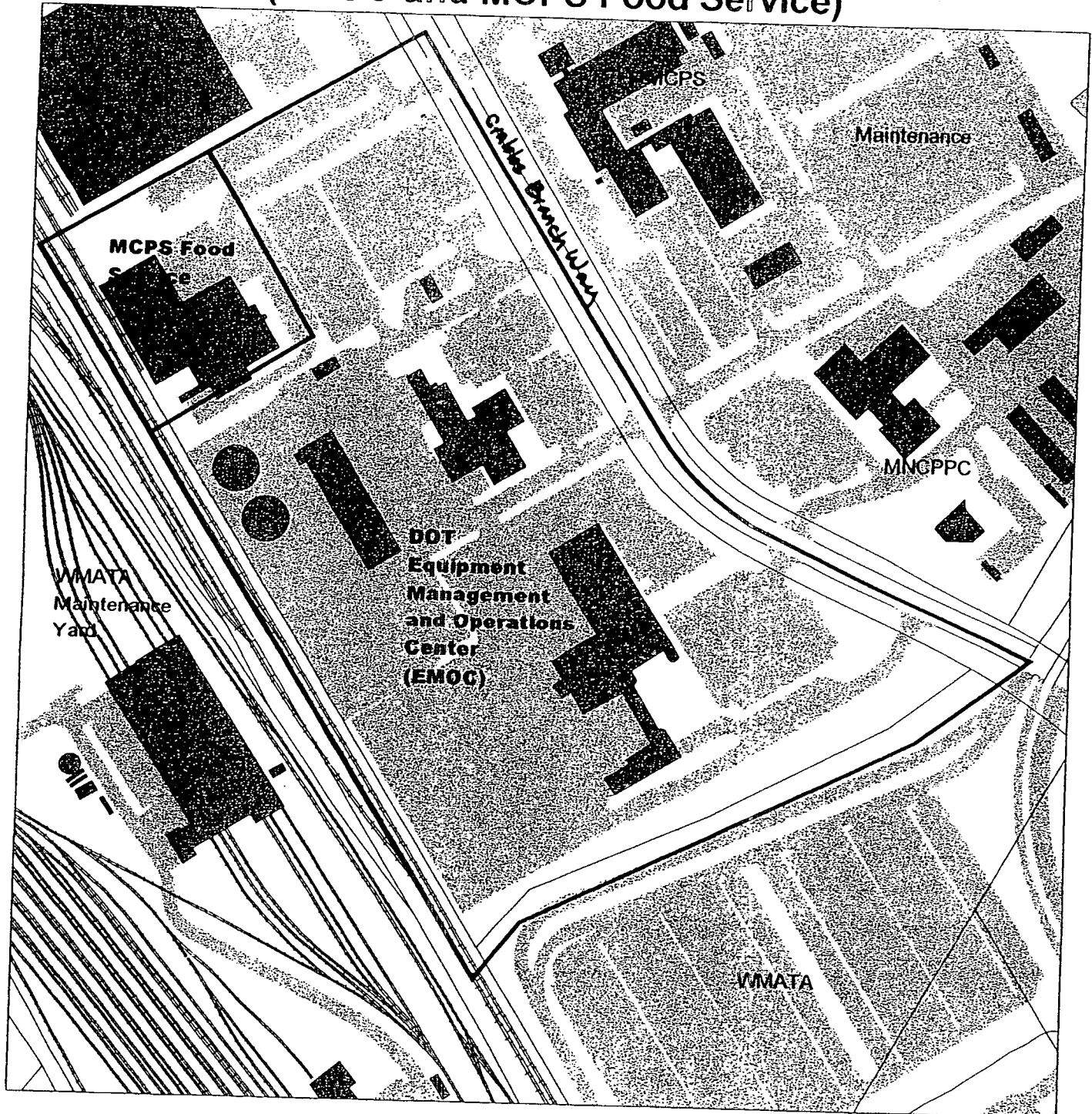
The Vision for this area could be redefined as being part of the proposed Buffer Area. (See attached illustration). The mix of uses and the low level of density and recommended building heights are not unlike the land use characteristics found in the proposed Buffer Area. Another option would be to redefine these three properties as a separate distinct area, call Upper Mill Creek Mixed Use Area. Staff suggests that there is greater logic to expand the Buffer Area to include these properties than to create a separate, distinct new area within the Plan.

f:\michaelson\lplan\lmstrpln\shady grove\planning staff recommendations on shift in density.doc

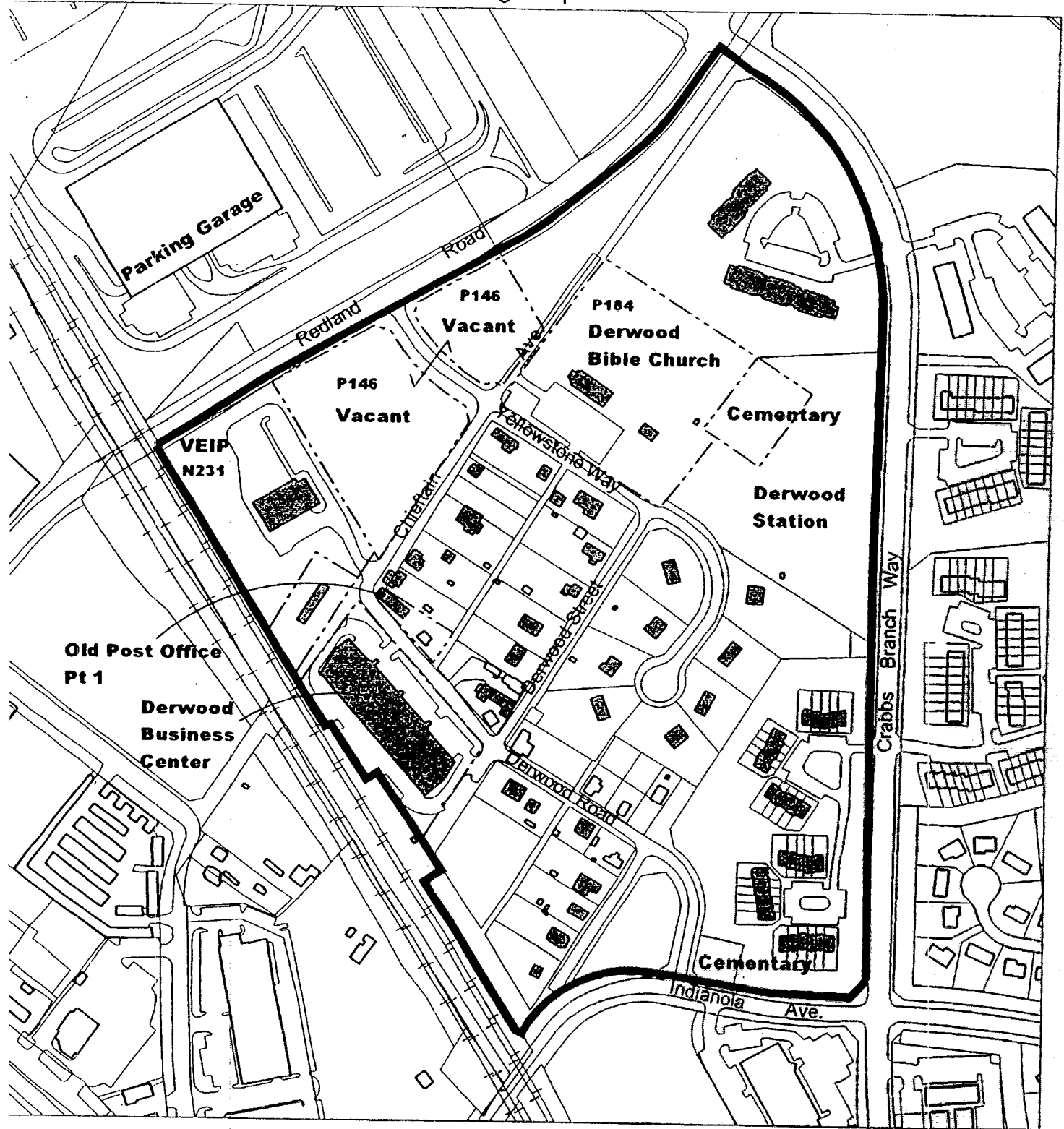
Metro South - Existing Properties



Metro North (EMOC and MCPS Food Service)



Metro East/Old Derwood - Existing Properties



June 8, 2005

Memorandum

To: Marlene Michaelson, Legislative Analyst
From: Karen Kumm Morris, Lead Planner
Shady Grove Sector Plan
Subject: ICC Maintenance Facility Needs

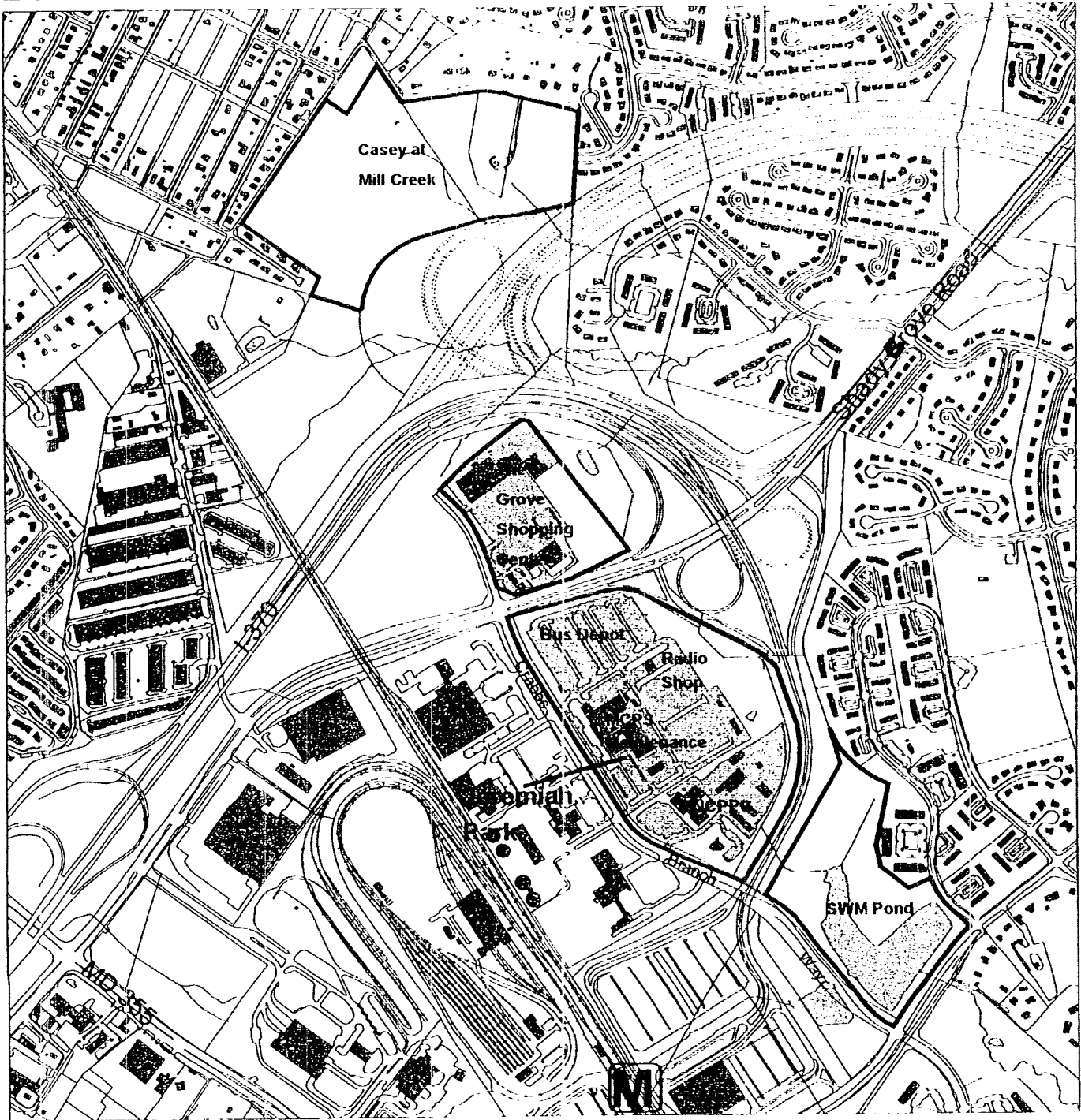
Recently, staff was informed by the Maryland Transportation Authority (MdTA) that they needed to locate a small maintenance facility in the Shady Grove Sector Plan vicinity to provide roadway maintenance for the Intercounty Connector. The program includes one salt dome, a fuel station, parking and driveway aisles and a MdTA police substation. This program will require approximately 3 acres.

Several sites are under consideration including Casey 7 along Shady Grove Road. Staff informed them of the competing County interests on Casey 7 and suggested several other locations. It is important that the Sector Plan recognizes this potential State facility and suggests sites that it may accommodate their needs while not creating unacceptable impacts upon the Plan.

Staff recommends the following language to be added to the discussion of the Casey Properties (Vacant Sites 6 and 7).

- Encourage any ICC maintenance facilities to be located on property that does not reduce relocation opportunities for the County Service Park. Casey 6 and 7 are not preferred sites given the County's interest in locating County Services on these properties. If Casey 6 or 7 are the only feasible locations for the ICC's maintenance facility, state facilities should be integrated with County facilities to maximize efficiency of layout and avoid separate and duplicating facilities.

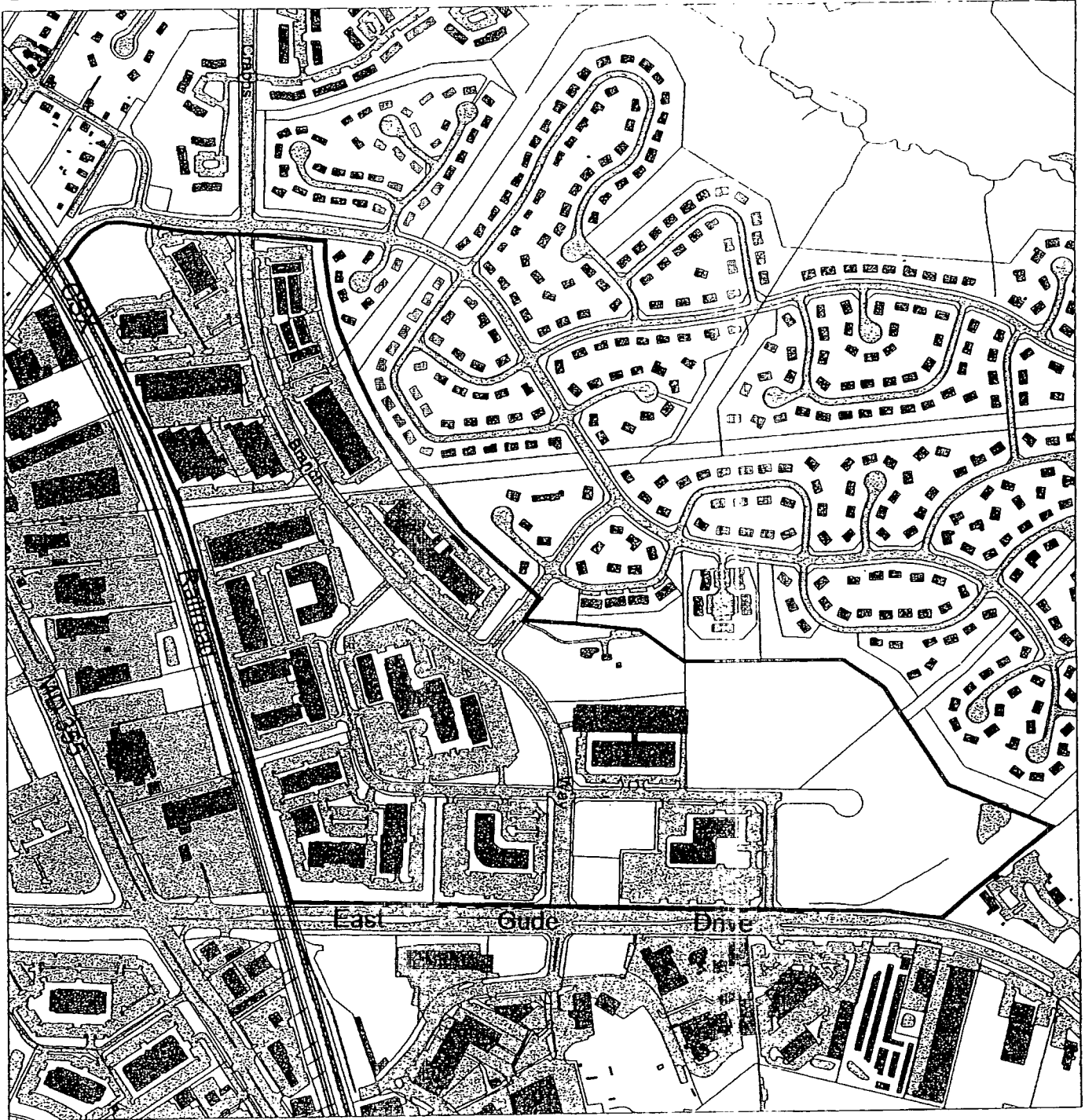
Buffer Area



0 1000'

Shady Grove Sector Plan

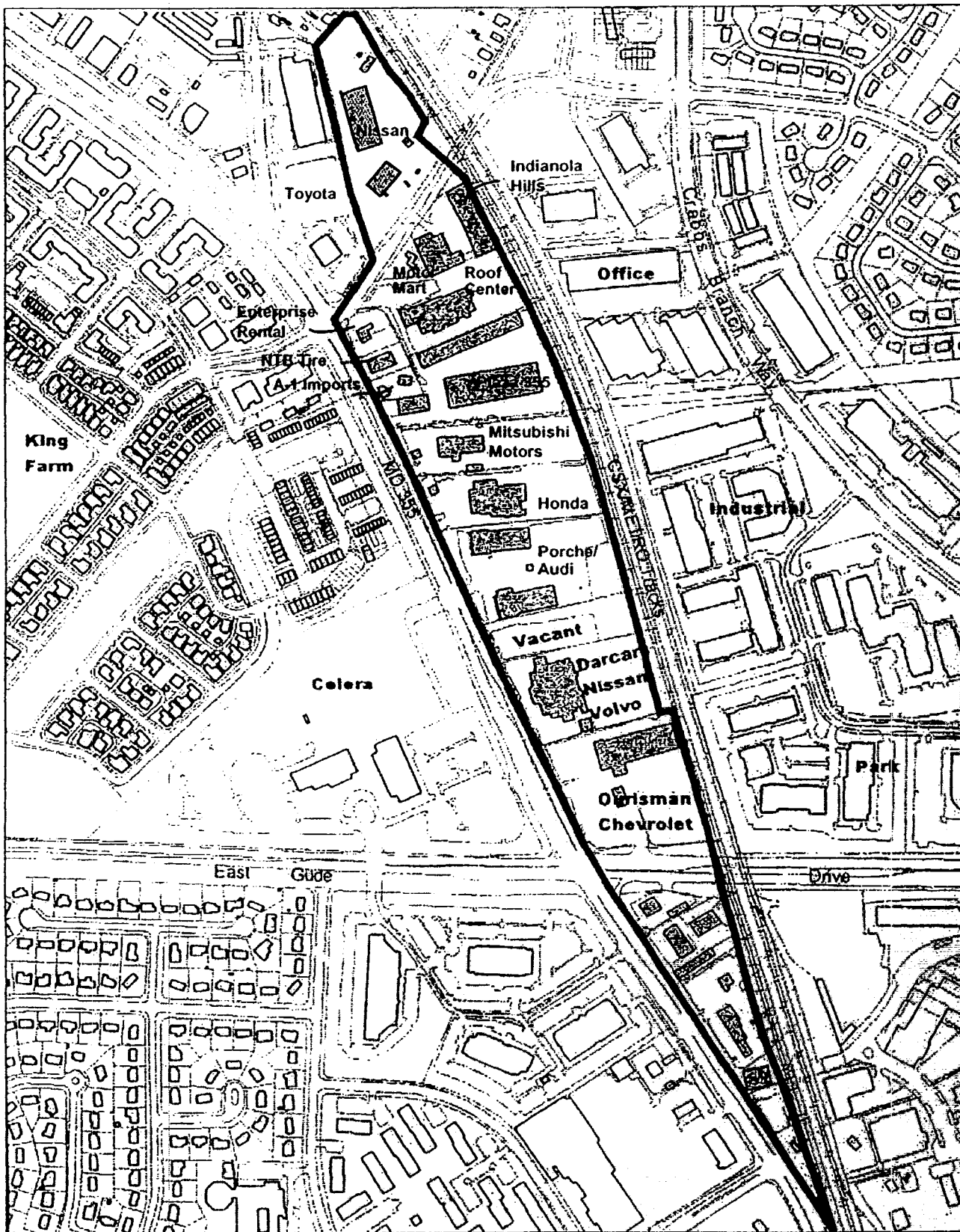
Office Industrial Park



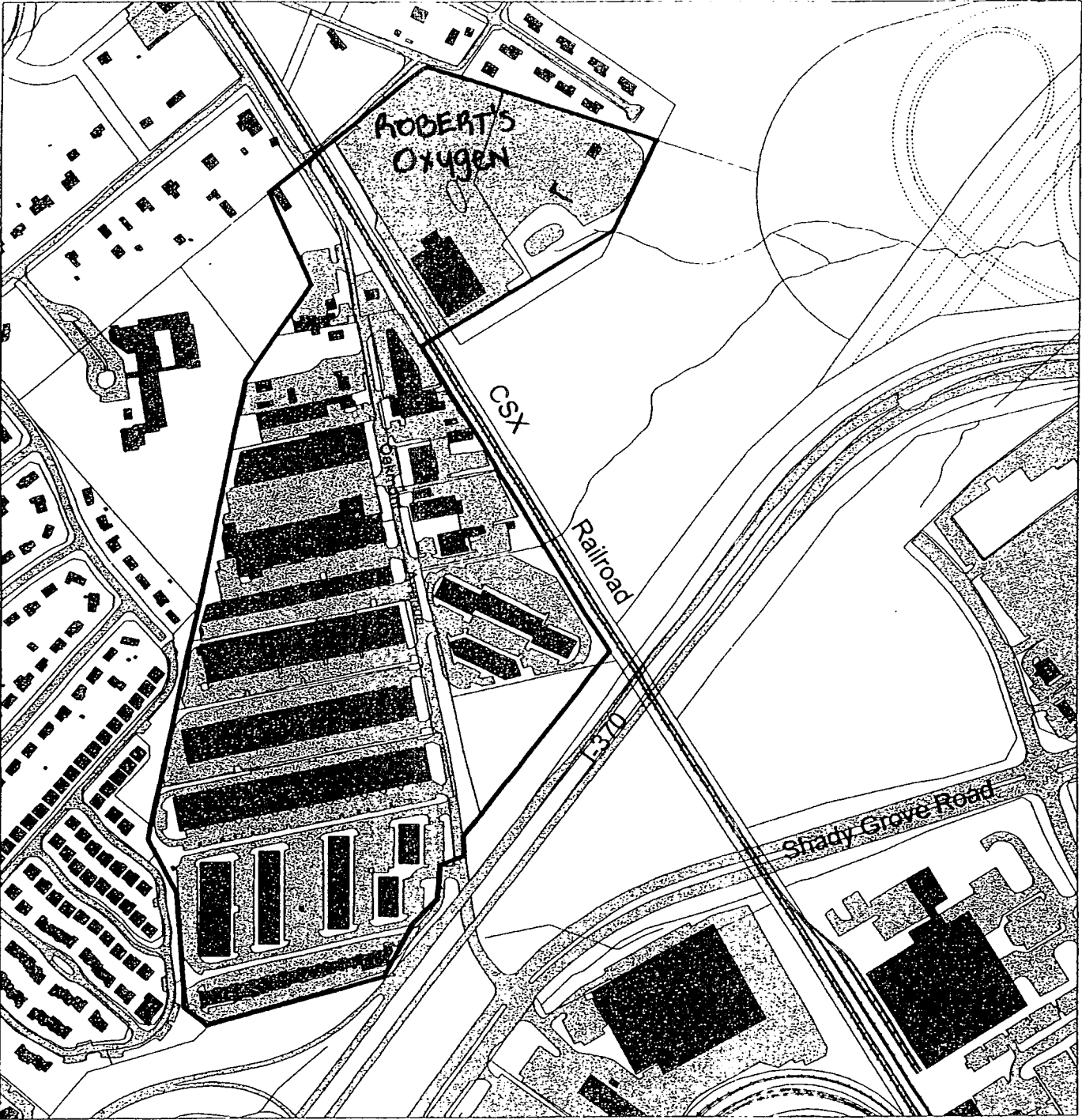
0 650'

Shady Grove Sector Plan

MD 355 South



Oakmont Industrial Park



0 500'

Shady Grove Sector Plan



OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

MEMORANDUM

September 28, 2004

TO: Steven Silverman, President
Montgomery County Council

FROM: Lisa W. Rother, Planning Manager *LWR*
Planning Implementation Section

SUBJECT: Report on Capital Projects Implementing the Final Draft Shady Grove Master Plan

Pursuant to the Regional District Act, I am forwarding to you a list of capital costs associated with the Final Draft Shady Grove Master Plan. These costs were provided by the Department of Public Works and Transportation (DPWT), Libraries, and Fire and Rescue. The accompanying table shows all of the recommendations in the Final Draft Plan that would require capital projects for implementation.

The costs presented in this analysis are order of magnitude estimates and reflect only capital costs of construction. Some line items are labeled not applicable (N/A) if it is anticipated that private funding may be part of the projects that are built under the Optional Method of Development.

It you or your staff have any questions about this analysis, please contact me at 240-777-2593. The Executive Branch staff will be available to discuss these estimates during the County Council's worksessions on the plan.

LWR:jgs

cc: ~~Marlene~~ Michaelson, County Council Staff

Attachment



Planning Implementation Section

Proposed Montgomery County Capital Projects: Shady Grove Sector Plan

Project Type	Description	Page #	Estimated Cost	Reviewing Agency	Implementing Agency
Transportation – Transit					
CCT	Grade-separated route across MD 355	61	\$4 million	DPWT/M-NCPPC	SHA/MTA
TMD	Establish a transit store	62	(operational)	M-NCPPC	DPWT
Bus Service	Improve bus stops, increase Ride-On service	62-63	(operational)	M-NCPPC	DPWT
Bike and Pedestrian System	Construct a connected system of sidewalks and crosswalks	63	\$29.6 million	M-NCPPC	DPWT/private participation
	Class I underpass at Crabbs Branch Way beneath Shady Grove Road	63	\$2.9 million	M-NCPPC	DPWT/private participation
WMATA Parking			\$20,000/space	M-NCPPC	WMATA/DPWT/private participation
Transportation – Roadway System					
ICC	Portion through Planning Area	66	TBD	DPWT/M-NCPPC	SHA/MdTA
M-83 Extended	Portion through Planning Area	66	TBD	M-NCPPC	SHA/DPWT
MD 355	Create Urban Boulevard character	67, 77	SHA	M-NCPPC	SHA/DPWT/private participation
Shady Grove Road	Streetscape improvements	67, 74	(operational)	M-NCPPC	SHA/DPWT/private participation
	Noise walls parallel to I-370	67, 95	\$37.6 million	M-NCPPC	SHA/ private participation
Redland Road	Upgrade to commercial business street with median	69	\$18.8 million	M-NCPPC	DPWT/private participation
	Full intersection at Yellowstone Way with traffic signal	69	\$1.4 million	M-NCPPC	DPWT/private participation

	Class III bikeway in the Metro Neighborhoods	69	(operational)	M-NCPPC	DPWT gap program/private participation
	Streetscape improvements	77	(operational)	M-NCPPC	DPWT gap program/private participation
Crabbs Branch Way	Upgrade to commercial business street between I-370 and Redland Road	69	\$10.5 million	M-NCPPC	DPWT/private participation
	Extend under I-370 to Amity Drive with traffic calming measures	69	\$12.5 million	M-NCPPC	DPWT/private participation
	Partial interchange connecting to the Metro access road	69	\$4.6 million	M-NCPPC	DPWT/private participation
	Streetscape improvements, including Class I bike route	77-78	(operational)	M-NCPPC	DPWT/private participation
Transportation - Interchanges					
	MD 355 and Gude Drive	69	SHA	DPWT/M-NCPPC	SHA
Transportation - Local Street Network					
	Grid system of Metro Neighborhood streets	70	N/A	M-NCPPC	DPWT/private participation
	Traffic calming measures in Old Derwood	70, 78	(operational)	M-NCPPC	DPWT
	Abandonment of dead-end portion of Paramount Drive	70	(operational)	M-NCPPC	DPWT
Public Facilities - Park and Recreation					
Blueberry Hill Park	Additional passive recreation facilities	83	(see note below)		M-NCPPC
Stormwater Management Pond	Nature oriented, passive recreation facilities	83, 94	(see note below)		M-NCPPC
Jeremiah Park	Reserve land and create park facilities	83	(see note below)		M-NCPPC/private participation

Casey 6 Local Park	Recreation facilities	83	(see note below)		M-NCPPC
Neighborhood Park	Multi-age recreation at Casey at Mill Creek	83	(see note below)		M-NCPPC/private participation
Legacy Open Space	Open space and passive recreation at Casey at Mill Creek		(see note below)		M-NCPPC/private participation
	Trails under the ICC	84	(see note below)		SHA
Mill Creek Stream Valley Park	Trails to make an east-west greenway connection	84	(see note below)		
Rock Creek Regional Park	Trail connections to the planning area	84	(see note below)		M-NCPPC
Casey at Mill Creek Bike Route	Connect to Washington Grove bike route	84	(see note below)		M-NCPPC/MCPS
Public Facilities - Schools*					
Elementary School	Designated site at Casey at Mill Creek	86	(see note below)	M-NCPPC	MCPS
New High School Cluster	To be determined in the Gaithersburg Plan	86	(see note below)	M-NCPPC	MCPS
Public Facilities - County Service Park					
Relocation	To be determined by private proposals	88	\$45 million plus land	DPWT/MCPS/ M-NCPPC	DPWT/MCPS/M-NCPPC/public-private partnership
Public Facilities - Library					
New Library	Relocate library currently planned for Laytonia; two stories, 20-30K square feet	88	\$5 million - \$7.5 million (hard building costs only)	M-NCPPC	Department of Public Libraries
Public Facilities - Community Center					
New Recreation Center	Public facility if needed	88-89	\$6 million - \$8 million (hard	M-NCPPC	Recreation Department

			building costs only)			
New Recreation Center	Public-private facility if a public facility is not warranted	88-89	N/A	DPWT/M-NCPPC	Private	
Public Facilities - Fire and Rescue						
New Fire and Rescue Station	Locate on 6-7 acres of Casey 3, to include EMS, bomb squad and other specialized units	89	\$9.4 million - \$14.8 million (hard costs only)**	M-NCPPC	Fire and Rescue Services	
Environment - Forest Conservation						
I-370 Reforestation	Allow SHA to meet off-site planting requirements in the I-370 right-of-way	93, 74	(operational)	M-NCPPC	SHA	
Environment - Air Quality						
Solid Waste Transfer Station	Control or eliminate odors by relocating or changing operations	95	(operational)	M-NCPPC	DPWT	

* Park and Recreation Facilities/School Facilities - Needs preliminary facility planning to determine extent of construction and associated costs

** Estimate based on Class I fire station with greatly expanded office space for fire investigators and bomb squad, plus increased break rooms; site would also be used for warehouse building and ready-reserve fleet facilities, cost to be determined.

Notes: N/A denotes potential funding by private sources as part of Optional Method of Development projects. The label (operational) denotes items that may not require CIP projects for completion.

early in the planning process as is possible so that once final densities are determined, relocation agreements can be formalized

Transportation

The Executive believes that the Plan should include a full discussion of the Intercounty Connector and Midcounty Highway Extended, which is not currently included. In addition, the Executive recommends that planning for potential widening of major roads and intersection improvements at four major congested intersections identified in the Plan should be included. These are the intersections of Route 355 with Redland Road and the Shady Grove Road intersections with Crabbs Branch Way, Mid County Highway, and Route 355.

With regard to transit, the Executive supports a new Metrorail station near the Montgomery College Rockville Campus, and also recommends deleting the 50 foot easement on the west side of the CSX tracks north of the Metrorail station. We further recommend that the Sector Plan should be flexible in its recommendations related to the mode that will be implemented for the Corridor Cities Transitway and to the location of the maintenance yard for the facility. While the Plan recommends that the yard be located outside the sector plan area, staging of the CCT may dictate that a yard is located in the Shady Grove area if the first phase of the project does not reach Metropolitan Grove. The Plan should also stress the need for sufficient bus bays for both RideOn and Metrobus at the Shady Grove station.

The County Executive recommends a review of the proposed staging mechanisms to determine if more appropriate measures than solely the implementation and operation of a Transportation Management District (TMD) should be considered. The Plan seems to recommend that no development may occur until the TMD is created, which severely stymies implementation of the Plan for a process that is not guaranteed to happen.



**DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION**

Douglas M. Duncan
County Executive

Albert J. Genetti, Jr., P.E.
Director

MEMORANDUM

August 3, 2004

TO: Lisa Rother, Planning and Implementation Section, County Executive

VIA: Edgar Gonzalez, Director's Office

FROM: Gary Erenrich, Director's Office

SUBJECT: Comments on Shady Grove Sector Plan Public Hearing Draft

DPWT has reviewed the December 2003 Shady Grove Sector Plan Public Hearing Draft and provides our comments for your consideration. Our comments are similar to the Department's comments on the Staff Draft Transportation Chapter submitted to M-NCPPC staff in early October. M-NCPPC staff has not responded to our comments or incorporated them into the Public Hearing Draft.

We have several overarching comments related to the assumptions used in the development of the Sector Plan. First of all, there are no alternative land uses presented that retain and support the programmed capital improvements to EMOC and Ride On that could still accommodate significant residential and commercial development to improve the job-to-housing balance objective. One land use option that retains the DPWT functions could move some of development to the WMATA property on the west side of the station. Specifically, the WMATA property on the west side of the station has the highest potential for dense residential and commercial development that could support the construction of parking garages and would be compatible with WMATA's joint development program. The proposed use in the Public Hearing Draft of this portion of WMATA property does not have sufficient density to achieve WMATA's joint development goal and proposes a 1.5 acre Town Center park on the most desirable development parcel next to the Metrorail Station.

The second general comment relates to the absence of detailed plan language supporting both the Intercounty Connector (ICC) and the Midcounty Highway Extension. The ICC may be the most significant transportation improvement in the County and should be explicitly addressed in the land use and general plans section. The Midcounty Highway Extension is also a major transportation improvement that is not mentioned in the Public Hearing Draft and should be covered in the transportation section.

The third general comment questions the policy to restrict or limit industrial uses in the sector plan area in favor of residential. While we agree that there is a need to improve on the

Office of the Director

housing-to-jobs balance in the I-270 corridor, we are also aware of the lack of alternative industrial land with rail access in the County. The sector plan should evaluate the tradeoffs of not preserving industrial land with rail access to the benefits of increasing housing. We believe that the noise of major highways, an active rail line, and WMATA shops and yard are not easily compatible with residential uses and outdoor recreational activities. The burden of noise mitigation should rest with the new land uses. The use of parking garages and landscaping treatments are not effective for noise mitigation.

The transportation chapter is written from a predominately highway point of view examining traffic issues and roadway congestion. There is another valid perspective that includes the concept of accessibility and mobility versus predominately considering traffic. Under this accessibility and mobility perspective, movement of people, goods, and services are included as well as the more traditional traffic congestion and community preservation. The Chapter does discuss pedestrian, bicycle, transit, and local vs. through movement, however, we recommend that goods movement and truck loading operations be examined as well. There should be some discussion of freight rail operations in the corridor serving local industrial uses as well as MARC commuter rail operations. There should also have a reference to the State and WMATA goal of doubling ridership in the next twenty years and how the development around Shady Grove Station and the Master Plan relates to the accomplishment of these worthwhile goals.

The transportation chapter has several omissions and assumptions that are stated as recommendations, but need to be placed in the context of the larger regional policy issues. First is the assumption of increasing transit service within five mile radius of the Metro station. While DPWT believes an argument can be made for additional transit service to Shady Grove Metrorail station, each route and service levels are examined with respect to countywide service standards and must compete for the available funding. DPWT can not agree to a general statement of increasing transit service without the service meeting transit service criteria. A second area in need of further clarification is the recommendation to implement the Corridor Cities Transitway as a light rail transit system. The Sector Plan should be flexible to accommodate both the BRT and the LRT mode decision. The Sector Plan should identify Master Plan issues for both the BRT and the LRT including identifying the potential site for the LRT maintenance facility and stress the need for sufficient bus bays for both Ride On and Metrobus. Ride On provides the majority of bus service to Shady Grove and would be the operator of additional local bus service. A third assumption is that linking a transportation management district and opening a transit store will alone achieve a commuter mode share milestone to permit development to occur. Commuter Services has been working to establish a transportation management district for years without success and linking development to this accomplishment is unrealistic.

Transit Recommendations

Increasing the transit mode share is an important goal for the Sector Plan. However, the 35% transit ridership goal is too ambitious and is only met today for commuting in Silver Spring. The current Shady Grove Metrostation Policy Area only has a 17% transit mode share for commuting and the Sector Plan would more than double this figure for both commuting and for all trip purposes. For information, Bethesda only has a 23% transit mode share for

commuting and Grosvenor has a 22%. The 35% mode share is unrealistic considering the good examples of Bethesda and Grosvenor. The Sector Plan should recognize the goal of 35% mode share is a stretch and reexamine the roadway analysis implications with a more realistic modal share.

The Department disagrees with the assumption that commuter parking at Shady Grove must be capped at the present 6,000 spaces. This assumption is counter to our experience with the opening of the new Shady Grove Garage and other parking utilization in the I-270 Corridor. Transit can not double without additional suburban parking spaces serving the I-270 Corridor. Joint development can work well with parking garages with office and residential units above commuter parking. We state once again that the assumptions about the Corridor Cities Transitway will determine whether additional parking at Shady Grove is necessary.

The Sector Plan should not recommend the WMATA Flexcar program or other specific operations. WMATA currently permits a rental car operation at Shady Grove and it is WMATA's business policy and not a Sector Plan to determine whether these services should be permitted. Also the Sector Plan recommends an increase in park-and-ride lots outside of the Sector Plan area while the Sector Plan should only focus on land use activities within its boundary.

A LRT maintenance facility should be identified in the Sector Plan even though it is not a preferred use in the Plan.

The Department is opposed to continuing the fifty foot transit easement on the west side of the CSX right-of-way because the continuation of transit service away from Shady Grove will be along the Corridor Cities Transitway alignment and not along the CSX corridor. MARC service recommendations do not belong in the Sector Plan.

Transportation Management District recommendations are supportive of increasing transit mode and carpooling, but should not be identified in the Sector Plan, again, these are operational and physical issues.

Bus service improvements will have to meet County standards as well as improvements to bus stops and bus shelters. The County is pursuing a program to improve bus stops dependent upon sufficient funding. As previously mentioned, Ride On can not commit to increasing local bus service within five miles of Shady Grove without detailed study and analysis and a determination if the routes meet County standards.

The Department strongly opposes moving the Route 355 bus stop at Shady Grove Road further north. This is a heavily used bus stop, close to the ridership generators, and in the safest location given the I-370 ramps. Moving the bus stop further north will encourage mid-block pedestrian crossings of a busy street and creates an unsafe condition.

The reference to exploring the feasibility of Route 355 transit improvements should either be deleted or made as a specific proposal that can be analyzed and evaluated.

Bicycle and Pedestrian System Recommendations

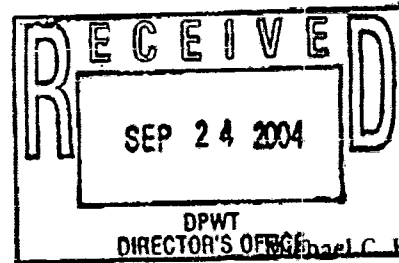
The Department has a series of comments on the bicycle and pedestrian section of the Chapter. The bicycle and pedestrian recommendations should be written as a separate section instead on a subsection under Transit Recommendations.

Specific comments include:

- We do not support the proposed asphalt paths on open section roads because of maintenance longevity and pedestrian safety. We do not have the right-of-way to place the sidewalk on the property side of the drainage swale and therefore must install it on the shoulder. The asphalt sidewalk could be mistaken for part of the road which creates safety issues.
- Needwood Road is a proposed Class 1 bike path on the south side of the Sector Plan and should be moved to the north side of Needwood Road.
- A sidewalk should be shown on the west side of Shady Grove Road.
- The sidewalk on the north side of Crabbs Branch Way should be shown as an existing bikepath.
- A sidewalk should be shown as continuing east on the north side of West Gude Drive.
- Consider a sidewalk on Baederwood Lane.
- Consider a sidewalk for the south side of Indianola Way across MD 355 and also on the other end of Grinola Drive
- Consider a sidewalk and bikeway on Oakmont Avenue.
- Recommend a continuance of a bikepath on existing I-370 right-of-way.
- Recommend a continuous on-road bikeway on Redland Road.
- A Gude Drive Class 1 path exists on the south side. Is the plan recommending a second bike path on the north side?
- Consider a bikeway to connect roads B-10 and B-11.
- Consider adding a bike station in conjunction with the transit store at the Station with showers and lockers, bike rentals, water fountain, meeting room, small retail area, and administrative space.
- On the cross-sections for the two proposed Main Streets, there are supposed to be bike paths, or bike facilities, although only sidewalks are mentioned.

Other comments include:

- Kiss-and-ride facilities should be provided on both sides of the Metrorail Station and not just on the east side.
- More emphasis should be placed on integrating the Metrorail and the CCT and possibly MARC at the station. The section does not have any design details of how this area can be integrated.
- For the local street network, we recommend less detail into the network of local streets to permit development plans to consider the street grid system. Also it is not clear why the local streets are being designed to a business or commercial street standard instead of a residential street standard.
- Parking policies are noted in the Sector Plan and the Department recommends deleting these policies in the Sector Plan.



Douglas M. Duncan
County Executive

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION
MEMORANDUM

September 22, 2004

TO: Gary R. Erenrich, WMATA Liason
Director's Office, DPWT

FROM: Al R. Roshdich, Chief
Division of Operations

SUBJECT: Review Comments on the Planning Board Draft of the
Shady Grove Sector Plan

Division of Operations has completed its review of the Planning Board Draft of the proposed Shady Grove Sector Plan and offers the following comments for consideration.

1. We did not receive a DRAFT DPWT review comments memorandum as part of the package from Gary Erenrich. These comments may or may not be compatible with those from other DPWT Divisions/Sections.
2. We support the recommendation on page 64 to create a Transportation Management District" before new development can be approved" in this Sector Plan area.
3. While we support trip reductions through transit incentives, we cannot support the comments on page 72 regarding intersection modifications to achieve levels of service ("... trip mitigation measures should be the first priority to reduce trips. Widening intersections should be considered as a last resort."). These strategies should be balanced and equally considered.

As delineated on the "Proposed Roadway Network" graphic on page 70, there are a number of primary residential/local collector and arterial roadways within this Sector Plan area; they can be expected to carry important volumes of through traffic - particularly in the area close to the Metro Station. Trip mitigation measures are only applicable to the nearby residential and commercial sites; they do not reduce through traffic volumes. It may be acceptable to allow the Critical Lane Volumes in this Sector Plan to be commensurate with those in other Metro-policy areas or Central Business Districts of the County. However, when those volumes are exceeded, intersection widening measures will be needed to facilitate the movement of through traffic. Our latest turning movement counts for the Crabbs Branch



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Gary R. Erenrich
September 22, 2004
Page 2

Way intersections with Redland Road and East Gude Drive indicate AM/PM levels of service of F/F and F/C, respectively, at these intersections – reinforcing the need for widening at these locations.

4. This document proposes the installation of extensive streetscaping amenities, closely spaced intersections, and modified intersection treatments - in an effort to create a pedestrian-friendly environment. The details of these improvements have not been determined at this time (page 79 of the document refers to a separate Shady Grove Streetscape Plan). DPWT should reserve the right to review and comment when that document is published – with the caveat that we can amend any problematic proposals as necessary at the implementation stage.
5. It is not clear who will maintain the proposed streetscaping amenities. Page 79, admittedly, includes the statement: "Maintain streetscape improvements through public/private partnerships." However, Page 17 includes a different statement that may send a contradictory message: "This Plan recommends . . . requiring an urban service district to maintain and manage common facilities."

To date, DPWT has been allowing developers to construct and maintain urban style streetscaping amenities - in locations outside the established Urban Districts – provided they executed and recorded a Maintenance and Liability Agreement. The number of these agreements will continue to increase in the future, which may lead to operational problems and potential litigation for the County. (Similar to the recommendation on page 64 to create a TMD before approving any new development in this area), we recommend this document be amended to recommend the establishment of an Urban District for the maintenance of the proposed streetscaping amenities before approving it as a condition of any new development in this area.

6. There are a number of comments throughout the document recommending the installation of traffic circles to help reduce cut-through traffic. Traffic circles are intended to improve traffic operations at an intersection and/or calm traffic on the mainline roadway. They serve no purpose in reducing cut-through traffic.

Our residential access restrictions program which is administered under Executive Regulation No. 17-94AM ("Through Volume Access Restrictions in Residential Areas") is the mechanism for communities to request relief from non-local, cut-through traffic. The DPWT comments should also note that (under the Executive Regulation) non-local, cut-through traffic are vehicles that are tagged, (i.e., registered to residences) more than ¼ mile away from the traffic shed.

Gary R. Erenrich
September 22, 2004
Page 3

7. Pages 74-75 propose several streets to be "Commercial Business District Street" with a 60 foot right-of-way. The nomenclature should be consistent with DPWT Standard No. MC-214.02: "Commercial/Industrial Road."

" This standard was developed for use on short, low-volume, low-speed roads in CBD or industrial areas. We recommend the recommendations for "B-7" (Street "D") be modified to reflect our (70 foot right-of-way/40 foot pavement) Standard No. MC-214.03 (which is proposed for other streets in this Sector Plan).

8. Page 71 recommends increasing the rights-of-way and reconstructing portions of Redland Road and Crabbs Branch Way as divided roadways. In the case of Redland Road (between MD 355 and Crabbs Branch Way), the existing bridge over the CSX/Metro tracks will need to be widened to implement this recommendation – an expensive modification with questionable benefit.

This page also recommends allowing on-street parking on Crabbs Branch Way during off-peak hours. This issue is an operational matter and not appropriate for a planning document. Such a proposal will require a traffic study before it can be implemented.

9. Page 72 includes recommendations for the local street network to design intersections with "... pedestrian-friendly characteristics such as minimal corner radii, raised pedestrian crosswalks, and special crosswalk pavement." We object to this language and believe that intersection improvements should be handled on a case-by-case basis. Curb radii should be determined in concert with the proposed travel lanes, on-street parking, and expected large-size vehicle usage. Raised crosswalks are not appropriate at intersections unless there is a need for traffic calming in an area with high pedestrian volumes; they are not allowed on arterial roadways. Only synthetic-based asphalt compounds (such as "Imprint") have been approved for use as special crosswalk pavements – following a traffic study that confirmed the need for a crosswalk at that location.

10. Page 80 proposes the construction of an underground pedestrian underpass under Crabbs Branch Way at Shady Grove Road. This intersection is already signalized and provides a satisfactory mechanism for pedestrian crossings. The proposed underpass will be expensive to construct and maintain, could be a magnet for unlawful activities, and may be under-utilized by intended users. We recommend removal of this recommended facility unless it is the result of a study that includes cost benefit analysis.

11. The Overhead Utilities section on Page 80 proposes 2 controversial conditions: "Requiring development within the Metro Neighborhoods to underground utilities along new and existing roadways, especially along major roadways with existing overhead utilities. Placing

Gary R. Erenrich
September 22, 2004
Page 4

existing overhead utilities underground in areas outside the Metro Neighborhoods will be considered on a case-by-case basis."

Only underground utility installations are allowed on new roadways. However, current DPWT policy does not allow us to require developers to underground existing overhead utilities along existing roadways. We believe such a condition can only be required by the Planning Board – as a condition of their approval of a subdivision plan.

Thank you for the opportunity to provide these review comments. If you have any questions or comments regarding this memorandum, please contact either Greg Leck 240-777-2197.

ARR/GML/je:M:\subdivision\gml\docs\Blue Tickets\050456, TEOS comments on PB DRAFT of Shady Grove Sector Plan

cc: David Adams
Greg Leck

Redland Rd from Crabbs Branch Way to Needwood Rd -- No. 500010

Category
Agency
Planning Area
Relocation Impact

Transportation
Public Works & Transportation
Gaithersburg Vicinity
None.

Date Last Modified
Previous PDF Page Number
Required Adequate Public Facility

January 3, 2004
7-57(04 App)
NO

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY03	Est. FY04	Total 6 Years	FY05	FY06	FY07	FY08	FY09	FY10	Beyond 6 Years
Planning, Design and Supervision	830	264	230	336	20	126	190	0	0	0	0
Land	85	1	20	64	64	0	0	0	0	0	0
Site Improvements and Utilities	535	0	0	535	0	217	318	0	0	0	0
Construction	1,959	3	0	1,956	0	800	1,156	0	0	0	0
Other	1	1	0	0	0	0	0	0	0	0	0
Total	3,410	269	250	2,891	84	1,143	1,664	0	0	0	0

FUNDING SCHEDULE (\$000)

G.O. Bonds	2,786	5	114	2,667	10	993	1,664	0	0	0	0
Development											
Approval Payment	474	264	136	74	74	0	0	0	0	0	0
Intergovernmental	150	0	0	150	0	150	0	0	0	0	0

ANNUAL OPERATING BUDGET IMPACT (\$000)

Maintenance				3	0	0	0	1	1	1	0
Energy				12	0	0	0	4	4	4	0
Net Impact				15	0	0	0	5	5	5	0

DESCRIPTION

This project provides for reconstruction of a segment of Redland Road including the intersections with Crabbs Branch Way and Needwood Road for congestion mitigation. Anticipated improvements include: widening a portion of Redland Road from Crabbs Branch Way to Needwood Road, construction of additional turning lanes, installation of traffic improvement devices, storm drain modifications as needed, and an 8' mixed use bike path/sidewalk (Class I). The bike path will be located within the project limits on the north side of Redland Road and the east side of Needwood Road.

Service Area

Gaithersburg vicinity.

Capacity

AM level of service (LOS) of the Crabbs Branch Way intersection will be improved from D to C, and PM LOS from F to B. AM LOS of the Needwood Road intersection will be improved from F to C and PM LOS from E to B.

JUSTIFICATION

Studies conducted by DPWT Traffic Engineering and Operations Section and Parking Operations Section and comprehensive consultant studies indicate significant congestion in this roadway segment. In addition to the improved level of service, the project will reduce the operational problems at these intersections. The addition of the bike path will provide access to the Shady Grove Metro Station.

Plans and Studies

Accident and congestion studies and a review of impacts to pedestrians, bicycles and the requirements of the ADA (Americans with Disabilities Act of 1991) are being performed and addressed by this project, traffic signals, streetlights, crosswalks, bus stops, sidewalk ramps, bikeways, and other pertinent issues are being considered in the design of the project to ensure pedestrian safety.

Cost Change

Increase due to scope change to include work on the dam requested by DEP and higher utility relocation costs.

STATUS

Preliminary design stage

OTHER

Redesign of proposed Redland Road and Crabbs Branch Way improvements included a new traffic study and preparation of contract documents; deletion of the reversible lane and on-road bike lanes; the addition of a fifth lane at the Redland/Needwood intersection; addition of the off-road bike path; shift of the proposed Redland Road alignment and reconfiguration of lanes; deletion of the retaining walls at the dam; addition of embankment to the south side of the dam; changes in land acquisition and utility impacts. The project scope was changed in July 2003.

FISCAL NOTE

Development Approval Payments (DAP) collected through FY99 have been programmed in this project. DEP will provide \$150,000 in Intergovernmental funding for work on the Crabbs Branch stormwater management pond dam.

APPROPRIATION AND EXPENDITURE DATA

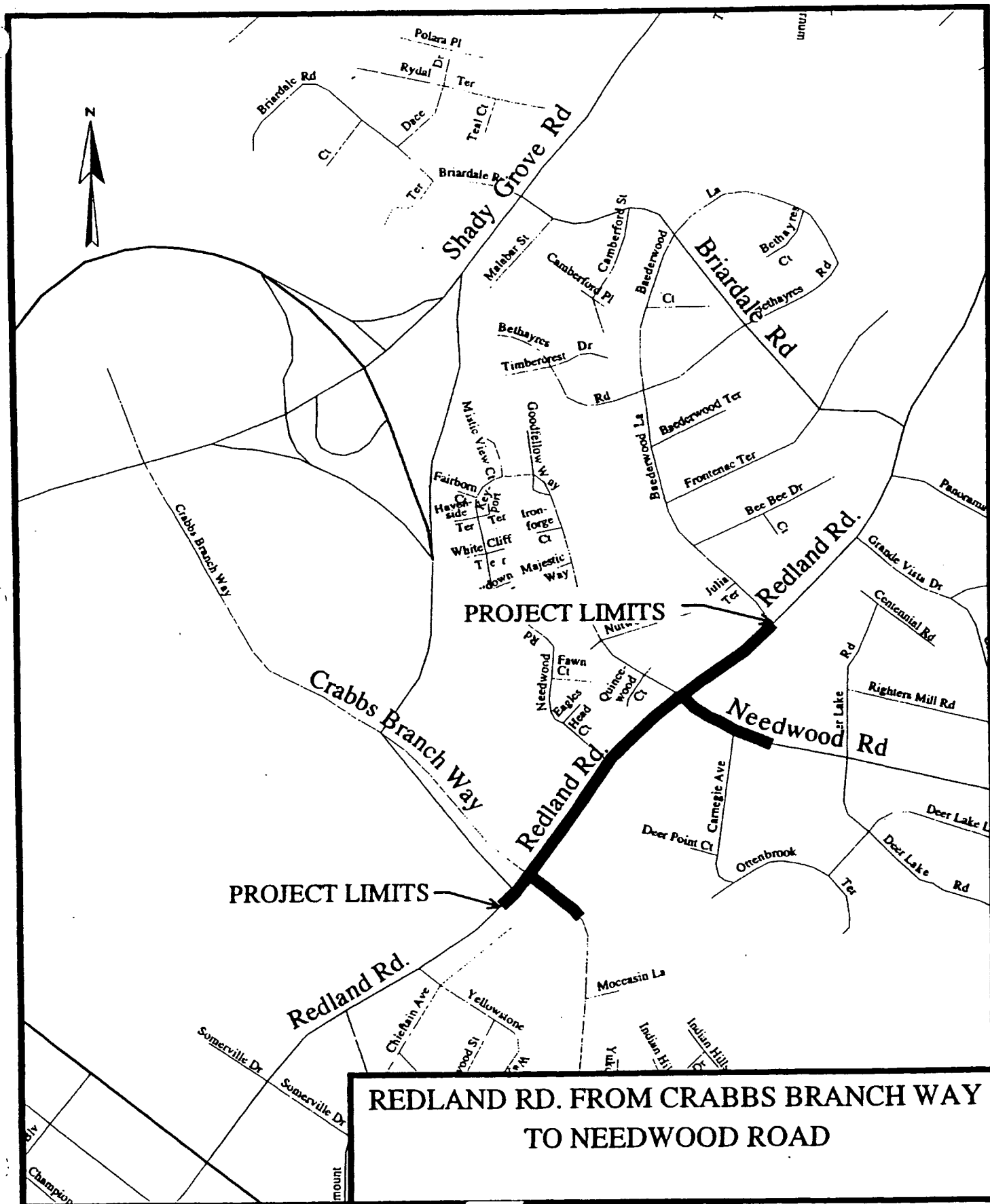
Date First Appropriation	FY00	(\$000)
Initial Cost Estimate		1,856
First Cost Estimate		
Current Scope	FY05	3,410
Last FY's Cost Estimate		2,928
Present Cost Estimate		3,410
Appropriation Request	FY05	482
Appropriation Request Est.	FY06	0
Supplemental		
Appropriation Request	FY04	0
Transfer		0
Cumulative Appropriation		2,928
Expenditures/		
Encumbrances		321
Unencumbered Balance		2,607
Partial Closeout Thru	FY02	0
New Partial Closeout	FY03	0
Total Partial Closeout		0

COORDINATION

Intersection and Spot Improvements
Maryland-National Park and Planning Commission
Maryland State Highway Administration
Department of Permitting Services
Department of Environmental Protection
Utilities
Maryland Department of the Environment
Maryland Department of Natural Resources

MAP

See Map on Next Page



Shady Grove Access Bike Path -- No. 500600

Category
Agency
Planning Area
Relocation Impact

Transportation
Public Works & Transportation
Shady Grove Vicinity
None.

Date Last Modified
Previous PDF Page Number
Required Adequate Public Facility

January 6, 2005
NONE
NO

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY04	Remain. FY04	Total 6 Years	FY05	FY06	FY07	FY08	FY09	FY10	Beyond 6 Years
Planning, Design and Supervision	737	0	0	737	0	513	100	124	0	0	0
Land	116	0	0	116	0	16	100	0	0	0	0
Site Improvements and Utilities	1,046	0	0	1,046	0	0	0	1,046	0	0	0
Construction	815	0	0	815	0	0	400	415	0	0	0
Other											
Total	2,714	0	0	2,714	0	529	600	1,585	0	0	0

FUNDING SCHEDULE (\$000)

Enhancement	1,357	0	0	1,357	0	264	300	793	0	0	0
G.O. Bonds	1,357	0	0	1,357	0	265	300	792	0	0	0

ANNUAL OPERATING BUDGET IMPACT (\$000)

DESCRIPTION

This project provides a new 10-foot wide bike path from Shady Grove Road to Redland Road along the east side of the WMATA Metro Access Road (approximately 4,700 feet); a bikeway ramp from the new bike path to an existing bikeway on Crabbs Branch Way (approximately 500 feet); a signalized at-grade pedestrian/bikeway crossing on the WMATA Metro Access Road; and a Metro access bikeway connection (approximately 200 feet) to provide access from the new bike path to the WMATA Shady Grove Metrorail Station.

Service Area

Shady Grove/Derwood

JUSTIFICATION

There is a need to provide a safe pedestrian/biker access to the WMATA Shady Grove Metrorail Station and a connection to the sidewalk/bikeway network in the vicinity, including the existing and proposed sidewalks/bikeways on Shady Grove Road, Crabbs Branch Way, Redland Road, Needwood Road, Midcounty Highway and future InterCounty Connector (ICC). Approximately ten existing communities within two miles of the project site will benefit from this project for daily commutes.

Plans and Studies

The M-NCPPC recognizes the need for this project and includes the proposed bikeways in this project in the Shady Grove Sector Plan Planning Board Draft, dated July 2004. A review of impacts to pedestrians, bicycles and ADA (Americans with Disabilities Act of 1991) is being performed and addressed by this project. Traffic signals, streetlights, crosswalks, bus stops, sidewalk ramps, bikeways, and other pertinent issues are being considered in the design of the project to ensure pedestrian safety. This project is a part of the County Executive's Go Montgomery! program.

Cost Change

Not applicable

STATUS

Preliminary design stage

OTHER

The project scope and schedule are new for FY06. The costs for the preliminary engineering up to 35% design are covered in the Annual Bikeway Program project.

FISCAL NOTE

This project will be a candidate for Federal Transportation Enhancement Program funds which are allocated to the State and will not proceed without this Enhancement funding.

APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY05	(\$000)
Initial Cost Estimate		2,714
First Cost Estimate		
Current Scope	FY05	2,714
Last FY's Cost Estimate		0
Present Cost Estimate		2,714
Appropriation Request	FY06	629
Supplemental		
Appropriation Request	FY05	0
Transfer		0
Cumulative Appropriation		0
Expenditures/		0
Encumbrances		0
Unencumbered Balance		0
Partial Closeout Thru	FY03	0
New Partial Closeout	FY04	0
Total Partial Closeout		0

COORDINATION

Maryland State Highway Administration
Federal Highway Administration
Maryland Department of the Environment
Maryland-National Park and Planning Commission
Department of Permitting Services
Washington Suburban Sanitary Commission
PEPCO
Washington Gas Light Company
Verizon
MCI
Comcast
Washington Metropolitan Area Transit Authority
Annual Bikeway Program

MAP

See Map on Next Page

65

I-370

PROJECT
LIMITS

Grove Rd

Shady

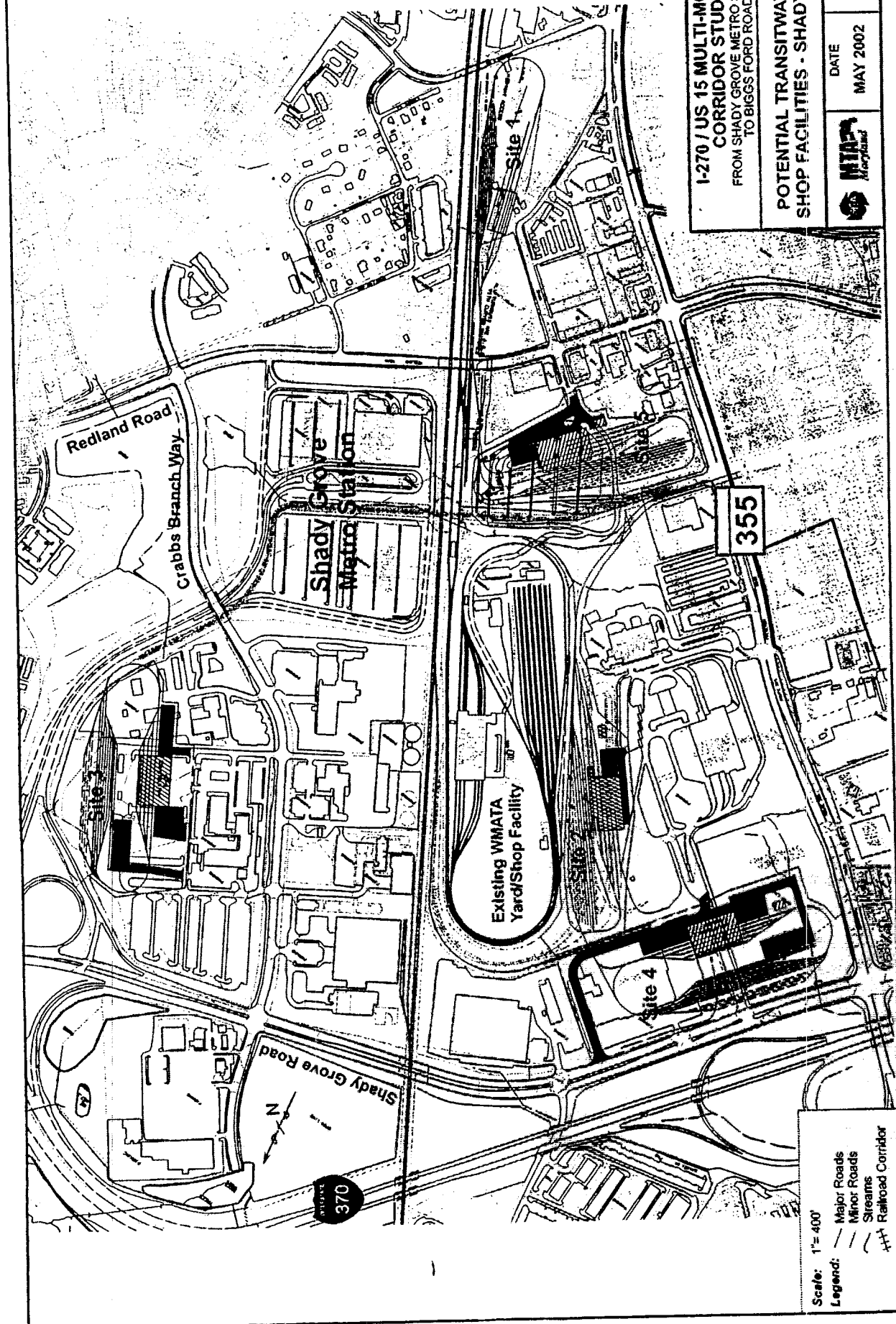
Crabbs Branch Way

Shady Grove
Metro Station

PROJECT
LIMITS

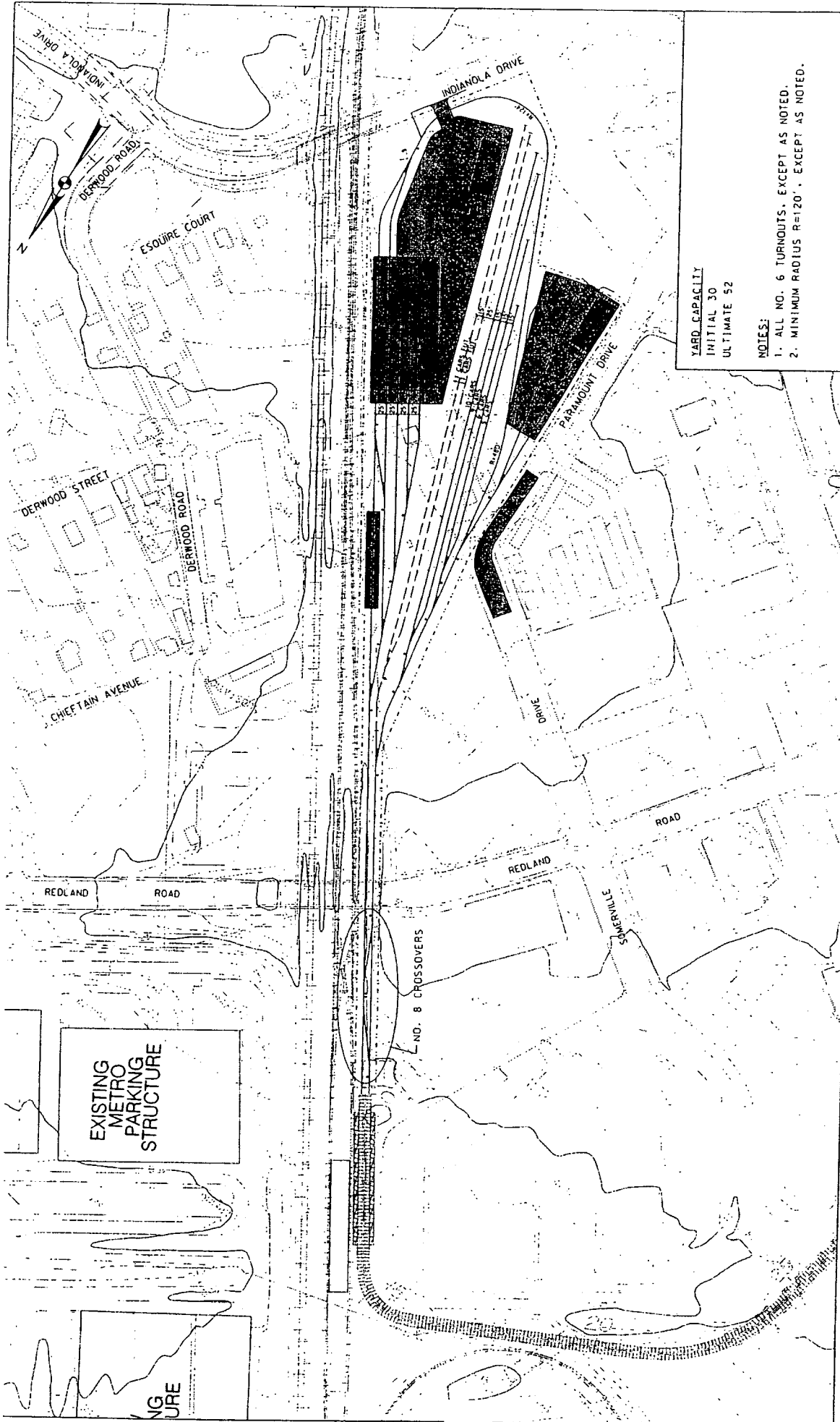
SHADY GROVE
ACCESS BIKE PATH

1010



I-270 / US 15 MULTI-MODAL CORRIDOR STUDY FROM SHADY GROVE METRO STATION TO BIGGS FORD ROAD		FIGURE II-3
POTENTIAL TRANSITWAY YARD/ SHOP FACILITIES - SHADY GROVE		DATE MAY 2002
		PLATE 1 OF 3

Scale: 1" = 400'
 Legend:
 Major Roads
 Minor Roads
 Streams
 Railroad Corridor



YARD CAPACITY
INITIAL 30
ULTIMATE 52

NOTES:

1. ALL NO. 6 TURNOUTS, EXCEPT AS NOTED.
2. MINIMUM RADIUS R=120', EXCEPT AS NOTED.

MARYLAND DEPARTMENT OF TRANSPORTATION
SHA MTA Maryland
 MARYLAND TRANSIT ADMINISTRATION
 MARYLAND STATE HIGHWAY ADMINISTRATION

SCALE
HORIZONTAL



WORK-IN-PROGRESS

I-270 / US15
MULTI-MODAL STUDY
TRANSITWAY

SHADY GROVE SITE #1

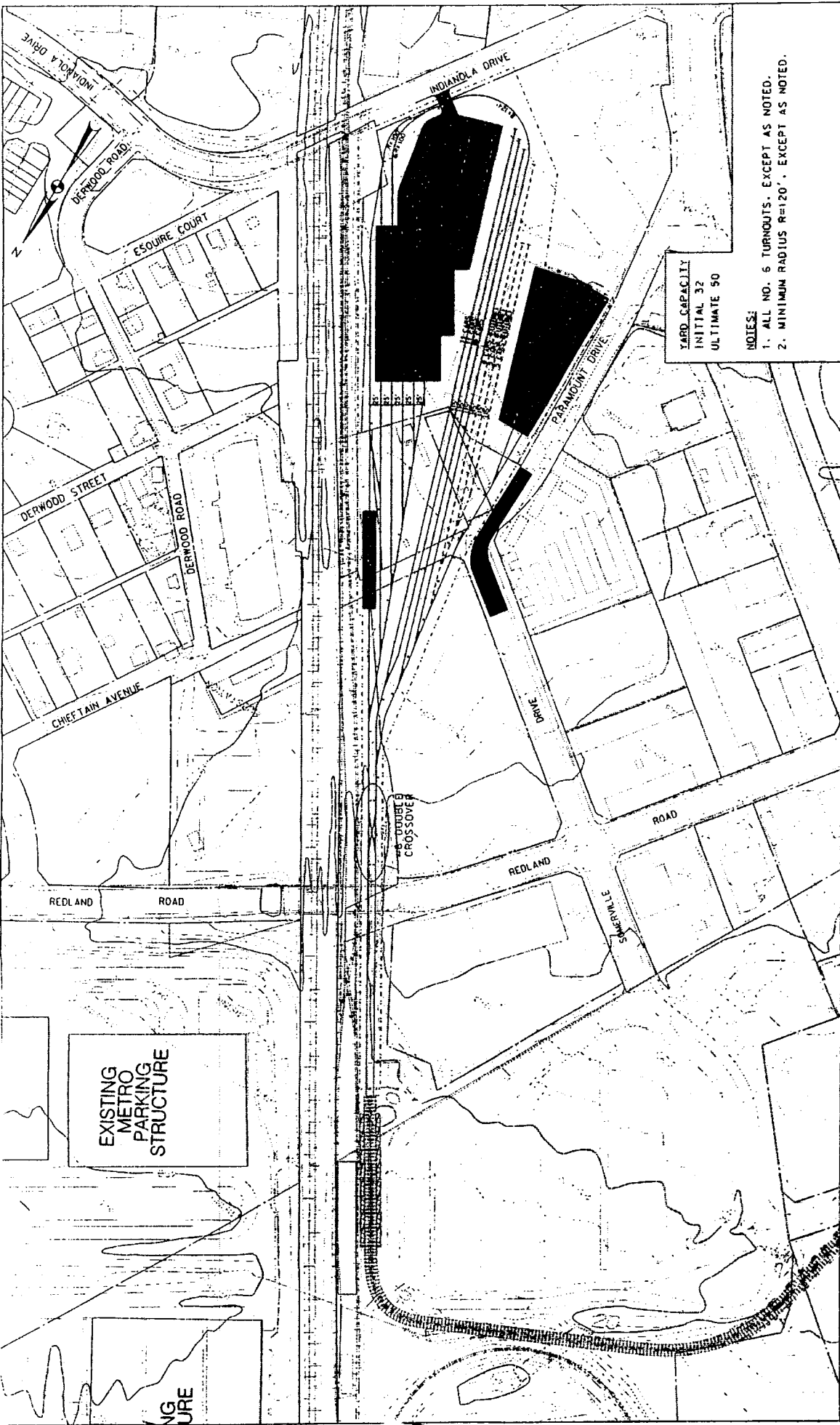
CONTRACT NO.

DRAWING NO.

SHEET NO.

OF

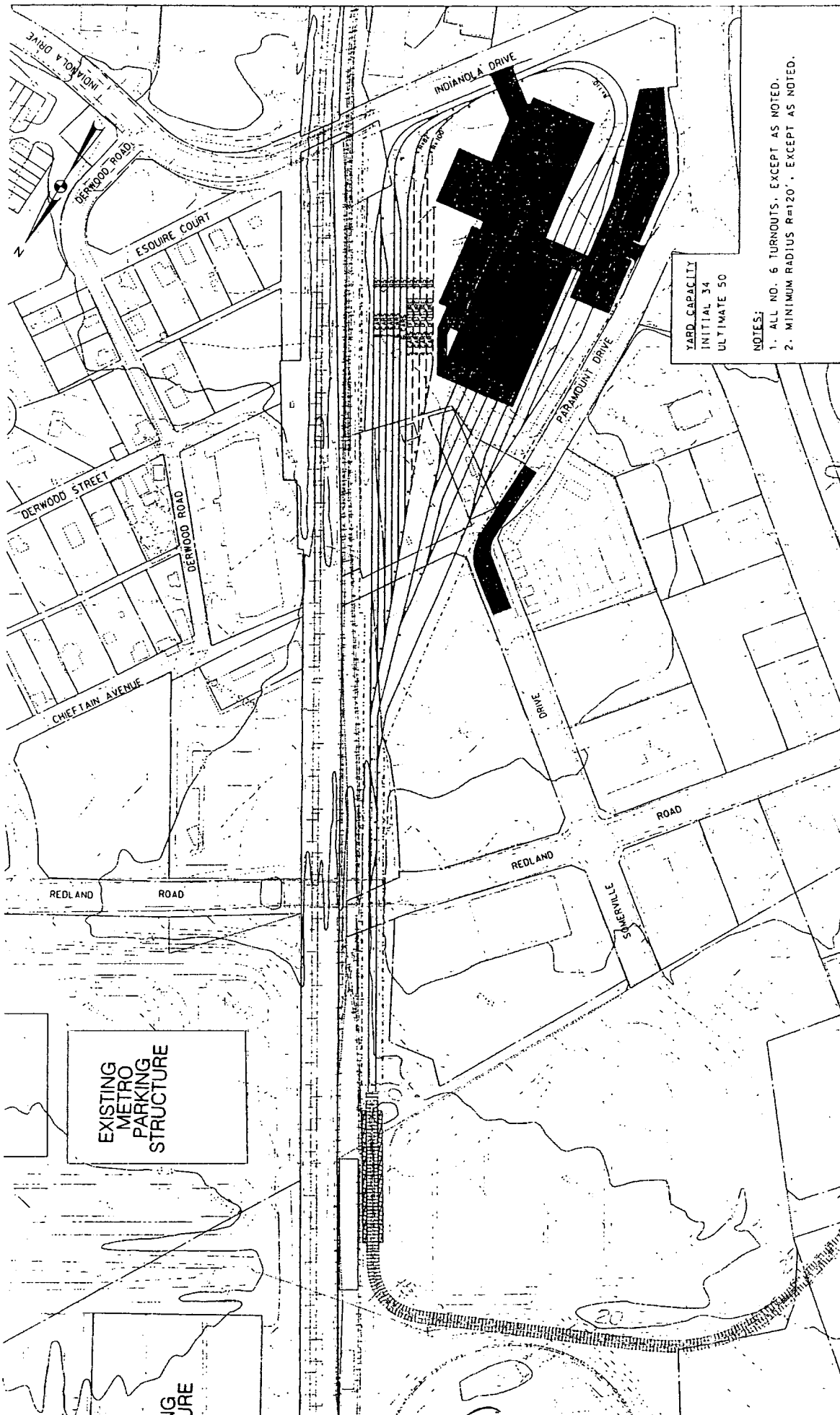
DATE: SCALE: AS SHOWN



YARD CAPACITY
INITIAL 32
ULTIMATE 50

- NOTES:
1. ALL NO. 6 TURNOUTS, EXCEPT AS NOTED.
 2. MINIMUM RADIUS R=120', EXCEPT AS NOTED.

MARYLAND DEPARTMENT OF TRANSPORTATION MTA MARYLAND TRANSIT ADMINISTRATION MARYLAND STATE HIGHWAY ADMINISTRATION	SCALE HORIZONTAL 100 50 0 100 200		WORK-IN-PROGRESS		CONTRACT NO. DRAWING NO. SHEET NO. OF
	I-270 / US15 MULTI-MODAL STUDY TRANSITWAY		SHADY GROVE SITE #1A		SCALE: AS SHOWN
	DATE:				

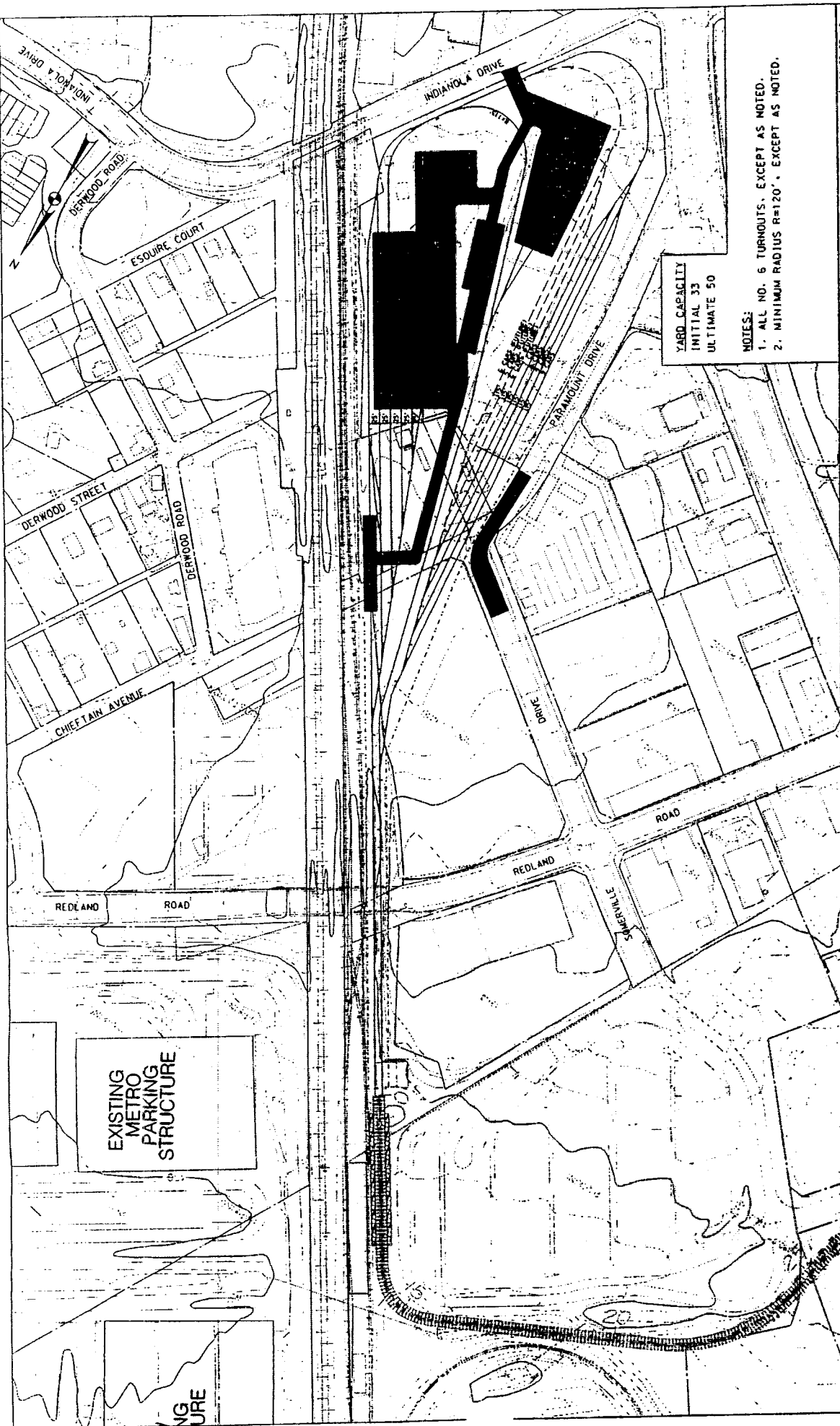


YARD CAPACITY
INITIAL 34
ULTIMATE 50

NOTES:

1. ALL NO. 6 TURNOUTS, EXCEPT AS NOTED.
2. MINIMUM RADIUS R=120', EXCEPT AS NOTED.

 MARYLAND DEPARTMENT OF TRANSPORTATION MARYLAND TRANSIT ADMINISTRATION MARYLAND STATE HIGHWAY ADMINISTRATION	SCALE HORIZONTAL 	WORK-IN-PROGRESS		CONTRACT NO. I-270 / US15 MULTI-MODAL STUDY TRANSITWAY
	DATE:			SHEET NO. SHADY GROVE SITE # 1B
	SCALE: AS SHOWN			OF

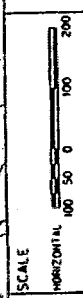


YARD CAPACITY
INITIAL 33
ULTIMATE 50

- NOTES:
1. ALL NO. 6 TURNOUTS, EXCEPT AS NOTED.
 2. MINIMUM RADIUS R=120', EXCEPT AS NOTED.

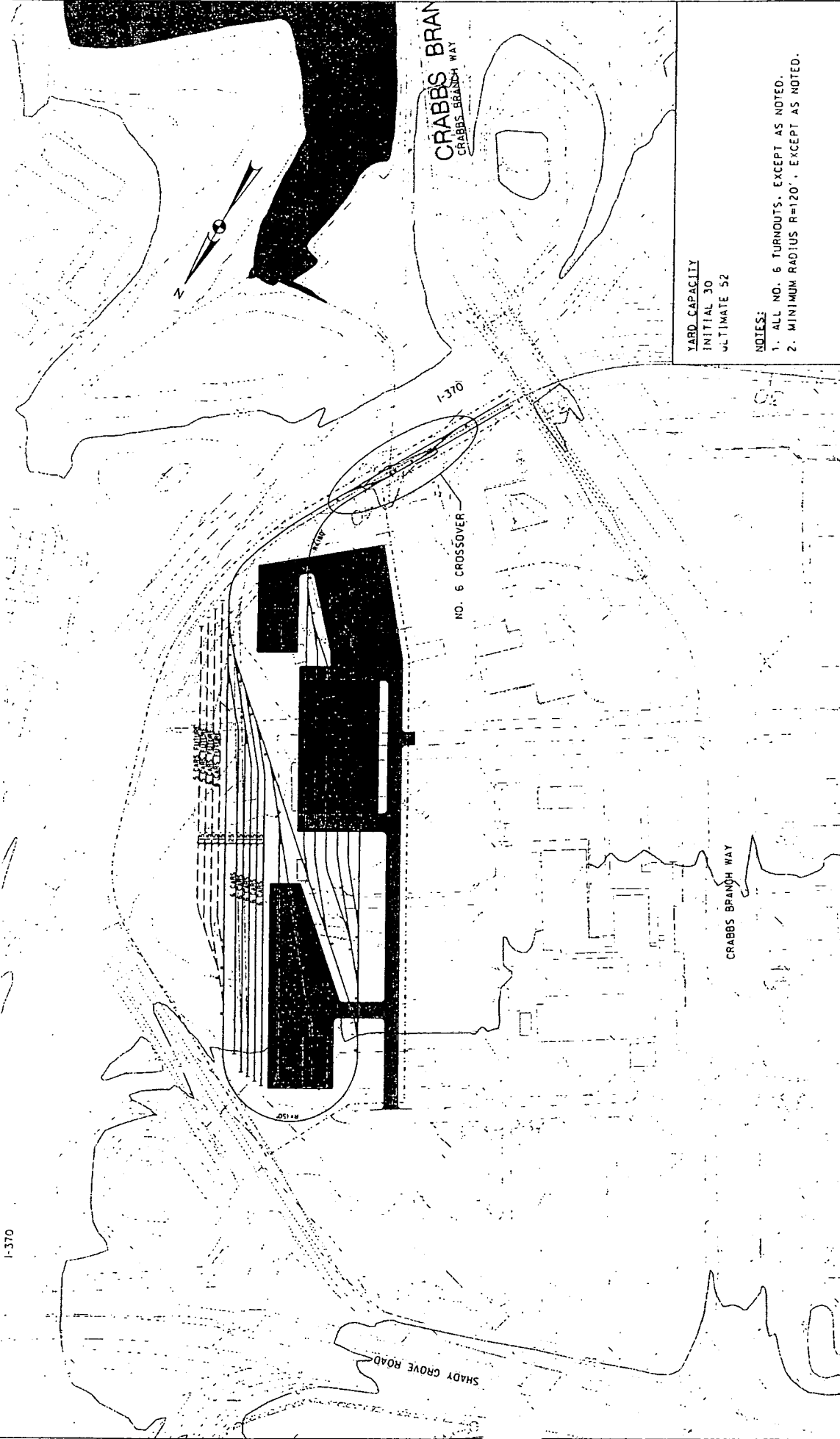
CONTRACT NO.	1-270 / US15
DRAWING NO.	MULTI-MODAL STUDY TRANSITWAY
SHEET NO.	SHADY GROVE SITE #1C
DATE:	SCALE: AS SHOWN

WORK-IN-PROGRESS



MARYLAND DEPARTMENT OF TRANSPORTATION
 MARYLAND TRANSIT ADMINISTRATION
 MARYLAND STATE HIGHWAY ADMINISTRATION

I-370



YARD CAPACITY
INITIAL 30
ULTIMATE 52

NOTES:

1. ALL NO. 6 TURNOUTS, EXCEPT AS NOTED.
2. MINIMUM RADIUS R=120', EXCEPT AS NOTED.

MARYLAND DEPARTMENT OF TRANSPORTATION
SHA MARYLAND TRANSIT ADMINISTRATION
MTA MARYLAND STATE HIGHWAY ADMINISTRATION

SCALE
HORIZONTAL



WORK-IN-PROGRESS

I-270 / US15
MULTI-MODAL STUDY
TRANSITWAY

SHADY GROVE SITE #3

DATE:

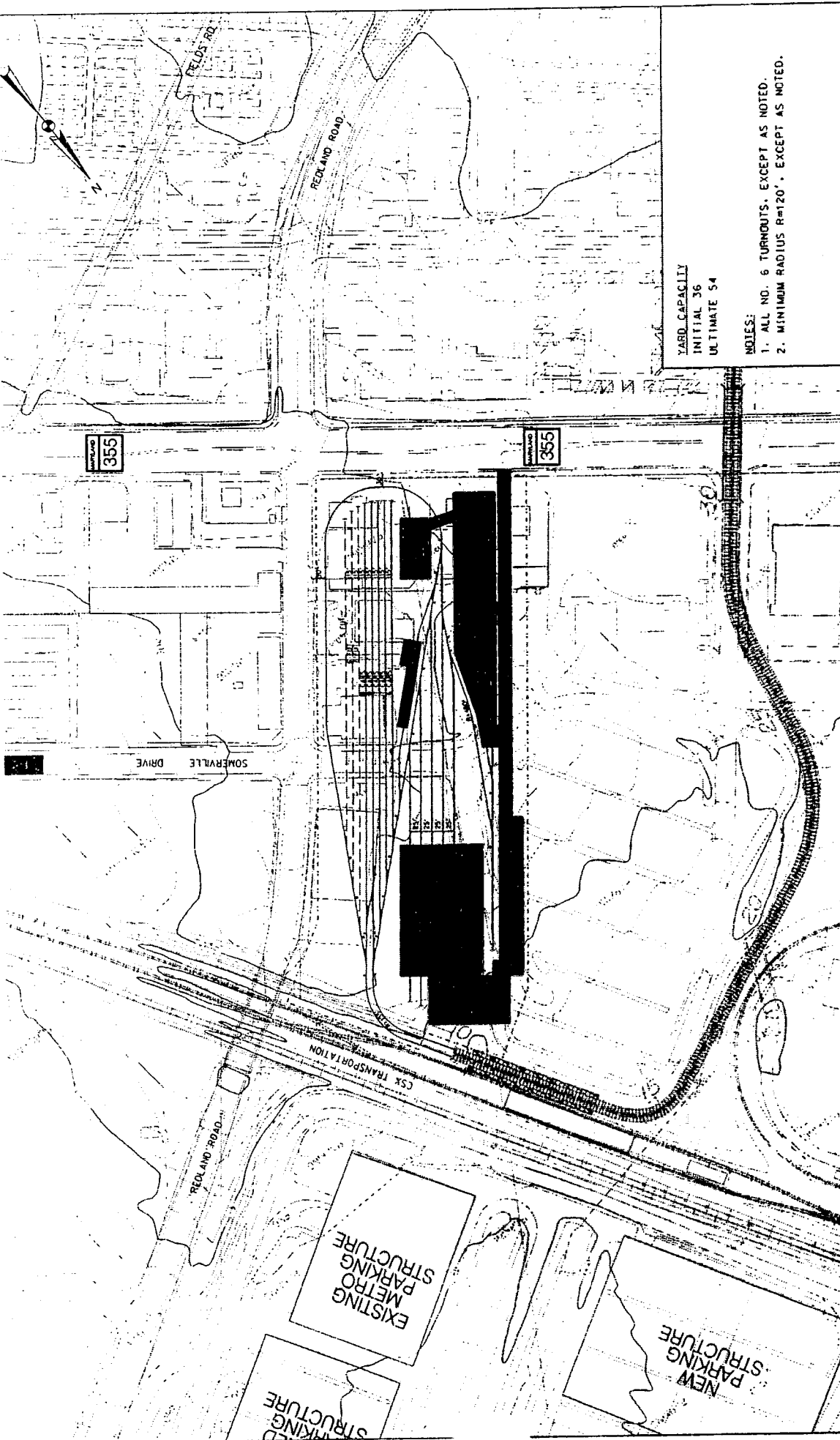
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CONTRACT NO.

DRAWING NO.

SHEET NO.

OF

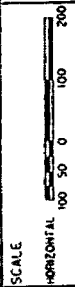


YARD CAPACITY
 INITIAL 36
 ULTIMATE 54

- NOTES:
1. ALL NO. 6 TURNOUTS, EXCEPT AS NOTED.
 2. MINIMUM RADIUS R=120', EXCEPT AS NOTED.

CONTRACT NO.	1-270 / US15
DRAWING NO.	MULTI-MODAL STUDY TRANSITWAY
SHEET NO.	SHADY GROVE SITE #5
DATE:	SCALE: AS SHOWN

WORK-IN-PROGRESS



MARYLAND DEPARTMENT OF TRANSPORTATION
 MTA
 MARYLAND TRANSIT ADMINISTRATION
 MARYLAND STATE HIGHWAY ADMINISTRATION

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* Maryland only † Retired

Writer's Direct Dial Number:
301-230-6576
lgordon@srgpe.com

January 12, 2005

Via Hand Delivery

President Thomas Perez
and Members
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

RE: Shady Grove Sector Plan, Location of Corridor Cities Transitway ("CCT")
Maintenance Shop and Storage Yard ("CCT Facility")

Dear President Perez and Councilmembers:

This letter and attachments are submitted to supplement a portion of the oral and written testimony presented to the Council on behalf of Eastern Diversified Properties, Inc. ("EDP") at the Council's November 4, 2004 Shady Grove Sector Plan ("Plan") public hearing. Therein, EDP endorsed the position of the Planning Board and its Staff to locate the CCT Facility outside of the Plan area (See: July 2004 Planning Board Draft Plan at pages 14 and 61).

While EDP continues to oppose locating the CCT Facility within the area of the Plan, particularly on privately owned land, its principle opposition is to any proposal to locate the CCT Facility on EDP's Nissan Dealership Property and/or 355 Toyota Property.

EDP's Nissan Property contains 5.07± acres, is identified as Parcel "S" Derwood Subdivision, and is situated just west of the CSX tracks with frontage along Indianola Drive and additional access onto Paramount Drive. The 355 Toyota Property contains 5.6± acres, is identified as Parcel "O" Derwood Subdivision, and is situated between MD Route 355 and the Nissan Property, directly across from the King Farm. The Nissan dealership lies within the County and the boundaries of the Shady Grove Plan, obtained site plan approval from the Planning Board, and opened as an automobile sales and service facility in July 2004. 355 Toyota lies within the City of Rockville (abutting, but outside of the Shady Grove Plan boundary), obtained special exception and use permit

approvals from the City, and opened as an automobile sales and service facility in Summer 2002.

A tax map identifying the location of the two dealerships is attached as Attachment "A", an aerial photograph showing existing improvements on both properties (taken from the rooftop of the 355 Toyota showroom building) is attached as Attachment "B", and an illustration superimposing the dealership improvements and adjoining proposed Metro South Neighborhood as depicted at page 43 of the Plan onto an aerial photograph of the surrounding area is attached as Attachment "C".

EDP's properties are among numerous properties (including, among others, properties within Shady Grove and Metropolitan Grove) identified by the State as potential locations for the CCT Facility. For any or all of the following reasons, EDP unequivocally opposes locating the CCT Facility on either or both of its properties:

1. Both the 355 Toyota and Nissan properties are fully developed and are being operated as automobile sales and service dealerships. (See, Attachment "B")
2. The combined 10.7± acres between the two EDP properties is insufficient to meet the 15 acres desired for the CCT Facility or to allow for any future expansion thereof. Thus, additional acreage would have to be acquired (including a proposed public park) to meet the minimum requirements for the CCT Facility.
3. The existing Toyota and Nissan dealerships could not likely be relocated within their franchise service areas, thus causing them to be closed and over 300 total employees to lose their jobs should EDP's properties be taken for the CCT Facility.
4. The State has identified numerous other properties in Metropolitan Grove and elsewhere in Shady Grove that are far more suitable for the CCT Facility.
5. During an October 4, 2004 MDOT Road Show presentation, Maryland Transportation Secretary, Robert Flanagan, advised the Montgomery County Delegation that Metropolitan Grove appears to be the ideal location for the CCT Facility.
6. Included among the Metropolitan Grove properties earmarked by the State are two properties expressly identified in the recently adopted City of Gaithersburg Master Plan as appropriate locations for the CCT Facility. These properties are separated from each other by the CSX tracks and are situated between Metropolitan Grove Road and Quince Orchard Road just west of its intersection with I-270. These sites could be used either individually or in combination for the CCT Facility. They could also be used for the CCT Facility in combination with their existing public uses. A tax map identifying the location of these two properties is attached as Attachment "D". A synopsis of the recently adopted Gaithersburg Plan language acknowledging these properties as future CCT Facility sites is attached as Attachment "E". The Metropolitan Grove properties identified in the Gaithersburg Plan are as follows:

- a) The County's 10± acre Police Abandoned Auto Storage Lot (Parcel P435).
- b) The State's 17.97± acre Truck Maintenance and Materials Distribution Center (Parcel P564).

7. Neither the Montgomery County Planning Board nor its Staff have recommended EDP's properties (or any other Shady Grove area properties) as potential locations for the CCT Facility in the Draft Shady Grove Sector Plan that is being considered by the County Council. The Draft Plan expressly states:

"Support locating the CCT maintenance yard and shop outside the Shady Grove planning area at a location to be determined."
(Draft Plan at p. 61, and reiterated as a Plan Transportation Policy at p. 14)

8. The Draft Shady Grove Sector Plan recommends future mid- to high-density, residential mixed use development adjacent to the EDP properties to the west and north, including a public park and a promenade extending to the Shady Grove Metro Station. (See, Attachment "C") The proposed CCT Facility would be incompatible with and would intrude upon these future neighboring uses as well as with the existing King Farm apartment buildings situated directly across MD Route 355 from the 355 Toyota property.

9. It would be counterproductive to try to relocate the County Service Park to accommodate future development within Shady Grove, while simultaneously using EDP's 10.7± developed acres plus an additional 4.3± acres in Shady Grove to house the proposed CCT Facility.

10. The existing WMATA Maintenance Yard is proposed to remain at its current location, thus making it excessive to locate a second maintenance yard within a ½-mile radius of the high density Smart Growth Shady Grove Metro Station.

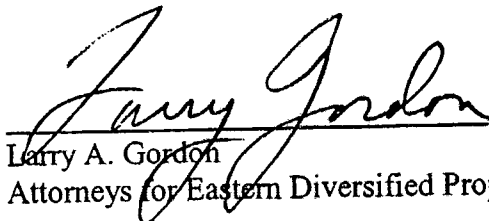
11. Should the mode of transportation ultimately selected for the Corridor Cities Transitway be bus, rather than light rail transit, the CCT Facility could be located anywhere accessible by roads, rather than in proximity to the railroad tracks.

12. EDP's owners previously had an automobile dealership condemned for construction of the Glenmont Metro Station parking garage in Wheaton, thus making it patently inequitable to consider imposing an even greater public burden on them again.

In sum, EDP's 355 Toyota and Nissan properties are inappropriate locations for the CCT Facility. Other locations identified by the State can better serve as sites for the CCT Facility at comparatively nominal cost to the public. Accordingly, EDP requests that the Council endorse the Planning Board and Planning Staff's recommendation not to locate the CCT Facility within the Shady Grove Planning area. Finally, if for some

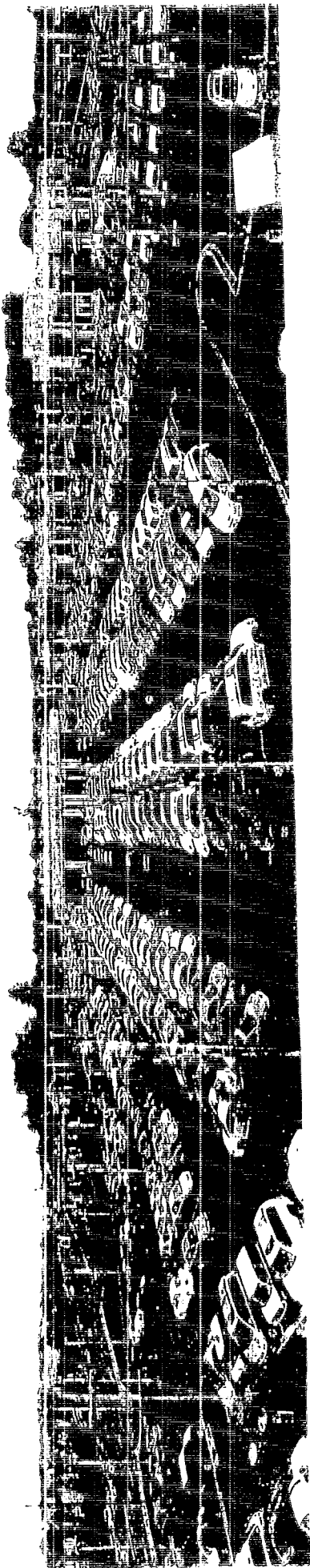
overarching reason, the CCT Facility should have to be located within Shady Grove, for all of the aforementioned reasons, we ask the Council to expressly oppose placing it on EDP's dealership properties.

Very truly yours,
Shulman Rogers Gandal Pordy & Ecker, P.A.

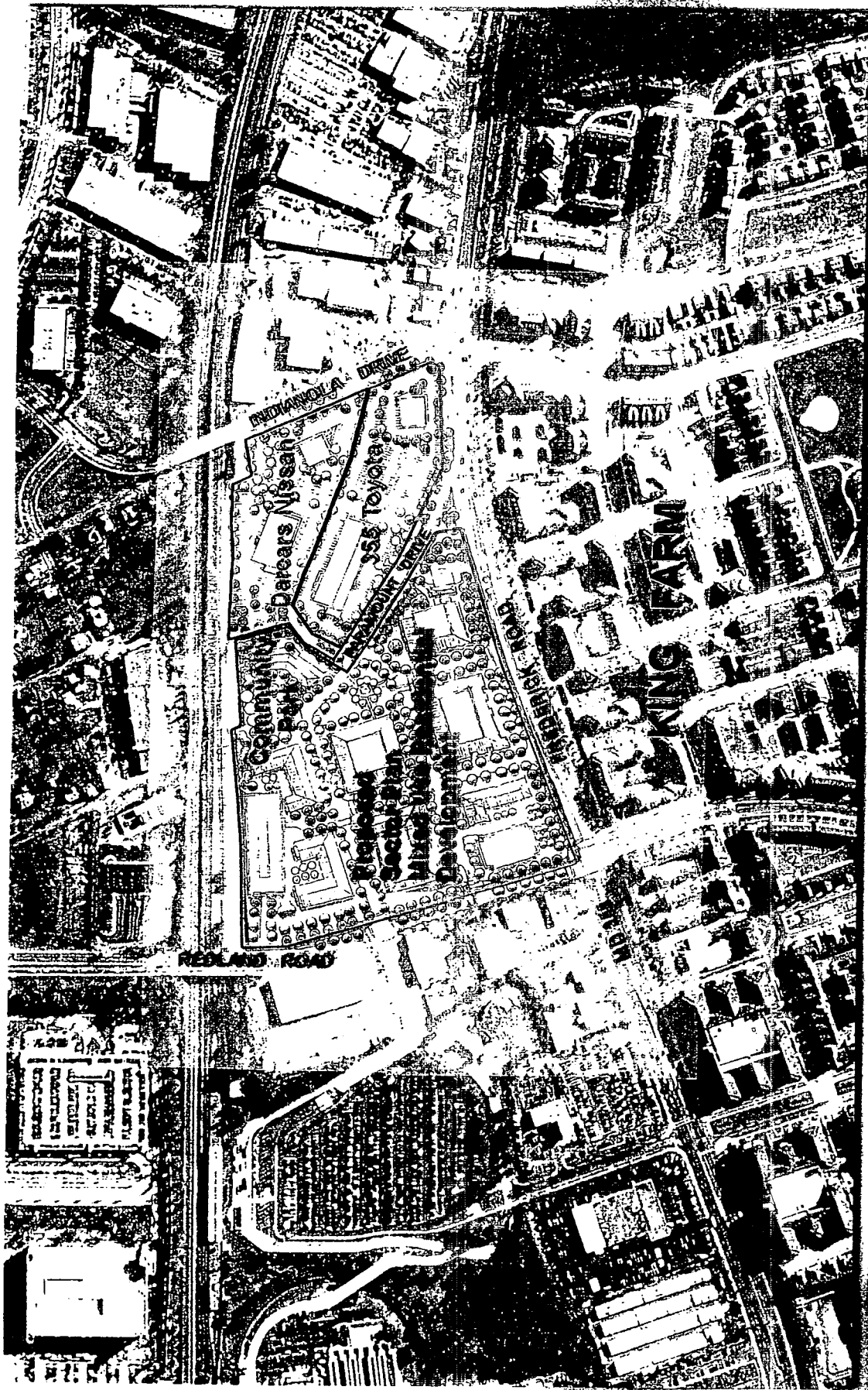

Larry A. Gordon
Attorneys for Eastern Diversified Properties, Inc.

Attachments

cc: Mr. Phil Andrews
Mr. Howard A. Denis
Ms. Nancy Floreen
Mr. Mike Knapp
Mr. George Leventhal
Ms. Marilyn J. Praisner
Mr. Steve Silverman
Mr. Michael L. Subin
✓ Mr. Glenn Orlin
Mr. Dan Noell
Mr. Hamid Fallahi
Lawrence A. Shulman, Esquire



ATTACHMENT "B"



PT. 1

SEC. 2

POND

FIELD

ORCHARD

QUINCE

FIRSTFIELD

BUREAU DRIVE

OUTLOT

PROSPECT AVE. ROAD

ORCHARD ROAD

MONROE ROAD

I-270

City of Gaithersburg

4885 / 62

13.12 Ac.

P 33

P 238

P 241

P 304

P 305

P 342

P 398

P 404

N 301

N 336

City of Gaithersburg

4885 / 62

8.16 Ac.

Montgomery County

7707 / 225

10.00 Ac.

P 435

STATE TRUCK MAINTENANCE AND MATERIALS DISTRIBUTION CENTER

17.97 Ac.

P 564

2626 / 32

16.67 Ac.

N 722

N 781

PARCEL "A"

N 888

PARCEL "B"

N 807

PAR. "F"

N 866

N 708

PARCEL "F"

B. C. THORPE TRACT

PARCEL "G"

N 746

N 658

N 652

N 599

PARCEL "A"

CSX

Transportation

C & N Associates

5849 / 177

12.22 Ac.

N 8

EXECUTIVE

ATTACHMENT "D" 81

81

**EXCERPTS FROM CITY OF GAITHERSBURG 2003 MASTER PLAN,
SPECIAL STUDY AREA 7: CASEY-METROPOLITAN GROVE ROAD
PORTION OF LAND USE PLAN (APRIL 6, 2004)**

1. Pages 118 – 119:

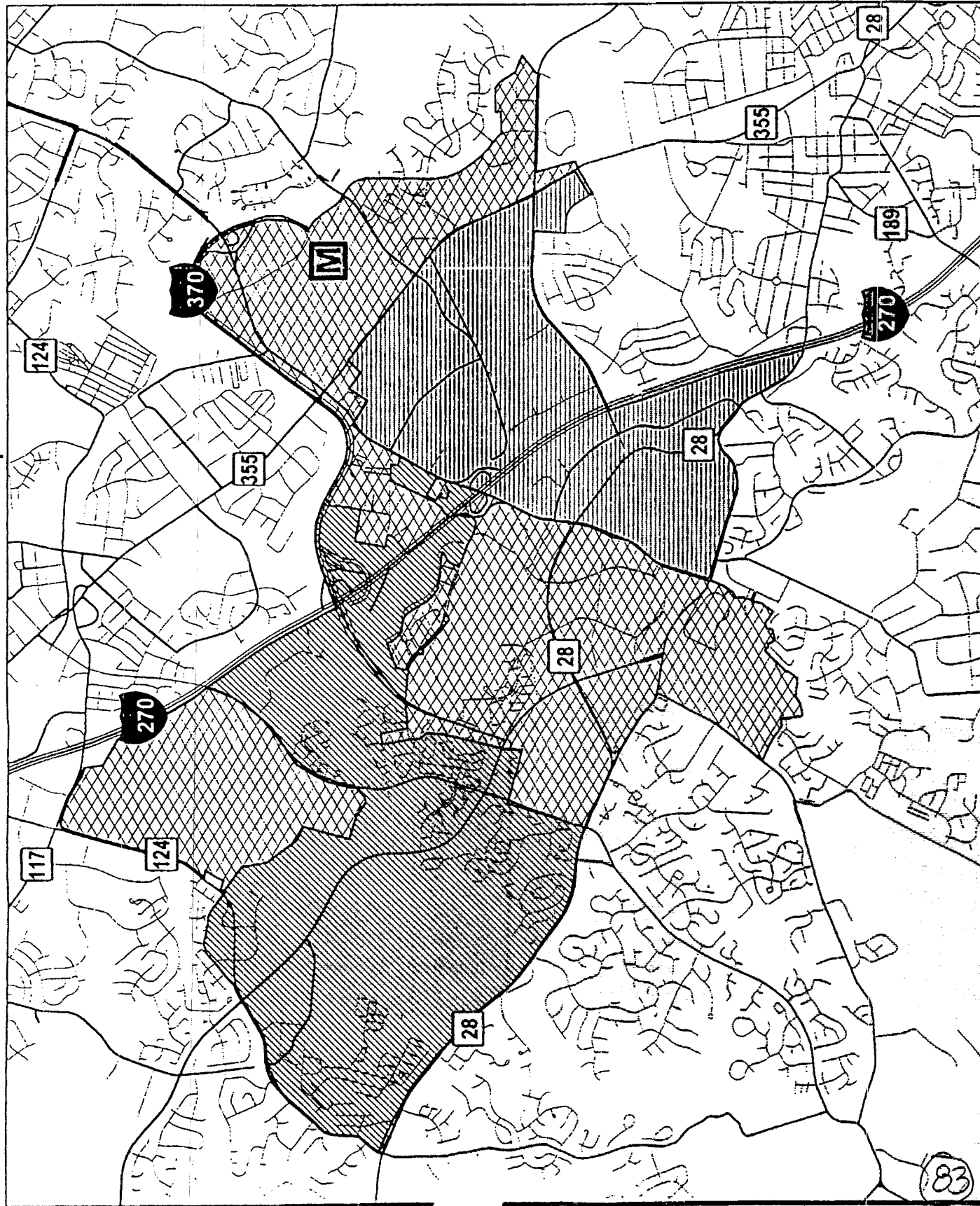
“The parcels owned by Montgomery County (P435) and City of Gaithersburg (P138, P404) contain a covenant that limits development to a public use. The covenant states that that parcels are to be used solely for a public use approved by the Board of Public Works of Maryland. This covenant is recorded in Montgomery County Land Records, Liber 5765 and Folio 508.”

2. Pages 124-125:

“As part of the CCT, there may be a need to provide a Transit Rail Yard at the Casey-Metropolitan Grove Study Area. If the Transit Rail Yard is to be located within the Casey-Metropolitan Grove Study Area, a plan must be reviewed and approved by the Mayor and City Council and Planning Commission as part of the SDP process. The City has proposed two alternative locations for the Transit Rail Yard as follows:

Alternative 1: The Montgomery County abandoned auto storage lot located north of and parallel to the CSX right-of-way and east of Metropolitan Road extended. . . .

Alternative 2: The State of Maryland truck maintenance and anti-skid materials distribution facility located south of and parallel to the CSX right-of-way and east of Metropolitan Road extended. . . .”



- Roads/Streets
- Freeways
- State Routes
- Major Roads
- Streets
- SGTMD-Municipalities
- Montgomery County
- Gaithersburg
- Rockville



0 0.5 Miles

Service Area Boundaries: The TMD Service Area includes commercial areas, both office and retail, as well as multi-family areas in the Greater Study Area. The boundaries of the TMD were drawn to roughly coincide with existing planning area and land use boundaries. As a result the service area includes several neighborhoods of single-family homes, townhouses, park land, and other areas that are neither commercial nor multi-family. The TMD Service Area Boundary was established to indicate areas where existing businesses and residents can voluntarily participate or use services provided through the TMD and the area where new commercial and multi-family development may be subject to fees. The TMD Service Area boundaries do not have any land use or zoning implications.

Montgomery County
Dept. Public Works & Transportation
OFFICE of PROJECT DEVELOPMENT
Covers: NC:MAPS
SG_TMD
May 1998 -- ArcView 3.0a



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AND TRANSPORTATION

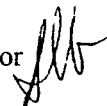
Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

MEMORANDUM

February 16, 2005

TO: Planning, Housing, and Economic Development Committee
Montgomery County Council

FROM: Sandra L. Brecher, Administrator 
Commuter Services Section

SUBJECT: Residential TDM Programs

At the PHED Committee worksession of February 3rd on the Shady Grove Sector Plan, the committee asked that Commuter Services provide a summary of Transportation Demand Management (TDM) measures the County is currently using for residential projects and the success of those efforts here or in other areas. This memorandum is in response to that request.

A. TDM Services Available for Residential Developments

As discussed at the earlier worksession, Commuter Services has not focused intensively on providing or evaluating residentially-based programs, since most of the mode share objectives for TDM programs in the County are employment-based and our approach has been targeted to the business community. However, many of the services marketed to the employer/employee community are available to – and appropriate for – the residential community, and we have done a certain amount of outreach to inform residents about those services. In addition, when requested and within the constraints of staff time available, our TMDs and other outreach staff can conduct transportation fairs or other events at multi-family residential complexes.

Services available to residential developments include:

- Transit information and route mapping (for all forms of transit in the region)
- Car/van pool matching, information on pool parking, and other pool-related assistance
- Information on free Park & Ride lots, and discounted parking for pools
- Bike route maps and other information to promote bike commuting
- Smart-commute mortgage information, to help people buy homes near transit
- Guaranteed Ride Home information
- Telework information



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- Alternative work schedules – free assistance in setting up flex time, compressed work week, or job sharing programs
- Car Sharing information
- Accessible transportation for mobility-impaired residents
- Transit subsidies and tax credits available through employers

B. Residential TDM Efforts in North Bethesda TMD

Among the four existing TMDs, North Bethesda TMD alone has a mode share goal for residential development. That goal is for new residential projects to achieve a non-auto driver mode share during the peak hour of 30%. Residential development projects in the North Bethesda TMD have been generally required, under the terms of their approval by the Planning Board, to negotiate a Traffic Mitigation Agreement (TMAg). In that agreement, the developer commits to undertake certain strategies to assist in achieving the TMD's 30% residential mode share goal.

This type of agreement is sometimes referred to as a "soft" agreement, in that it does not commit the developer to achieve any specific mode share objective for their development. Rather, it commits them to cooperate with the TMD in the efforts to achieve the TMD goal.

A summary of strategies undertaken by residential projects in the North Bethesda TMD is included in Attachment A. Assessments of "success" with these projects' efforts are just beginning to be undertaken. The TMD recently developed a survey instrument to be used for residential projects which will be administered to residents for the first time this spring.

C. Residential TDM Promotion Elsewhere in the County

1. General Outreach to the Residential Community

In all four TMDs, and throughout the County, we conduct outreach and marketing to residents as well as employees through displays, information tables and other forms of participation at community events. Hundreds of residents are reached at these events with brochures and other materials on our services. Those of particular interest to residents include car/van pool matching, transit route maps and schedules, Guaranteed Ride Home information, and transit benefit information to pass along to their employers. Examples of major events at which we conduct this type of outreach include:

- Bethesda – Taste of Bethesda (30,000+ attendance), and the Literary Festival (8,000)
- Silver Spring – Silver Spring Swings (Summer Concert Series) (1,000+);
- Friendship Heights – Concerts at Friendship Heights Village Center
- Wheaton – Wheaton Sparkles (July 4th), Summer Concert Series

In addition to attendance at these types of events, we conduct many other forms of outreach which targets the residential as well as business communities, including the following:

- Direct mail to residential and business addressees
 - For example, we recently marketed our revised "Park & Ride Lot Guide," and our "Getting There" brochure to residents
- Media-based marketing campaigns which target the residential as well as business communities
- Advertising placed in local media (including newspapers, radio, cable TV, community newsletters)

- Related placements on media web sites
- Commuter Services recently redesigned our web site:
(www.montgomerycountymd.gov/commute).
 - We have conducted direct mail and media advertising specifically to let both residents and businesses know about that web site and the wide range of information available there.
- Unpaid forms of outreach and marketing are sought as well
 - Participate whenever possible in interviews and public forums
 - Assist reporters in covering stories which include discussions of our programs and services
 - Participate in meetings of community groups, residentially-based civic organizations, Chambers of Commerce and other business organizations, non-profit associations (e.g., Society for Human Resource Management) and a variety of other types of meetings and events where we have the opportunity to get our message out to both the business and residential communities.

It is important to note that all of the outreach and marketing activities discussed here are separate from those conducted by Ride On under its own marketing programs.

2. Development-Based Residential TDM Efforts in County:

There are several examples of residential developments other than in North Bethesda which have implemented formal TDM programs. In some cases, those programs have been required under Traffic Mitigation Agreements for mixed-use developments in TMDs which included residential components. In a few cases within TMDs, residential developments have signed voluntary agreements to promote the use of transit and other commute options at their developments.

In other cases a residential development was planned for an area outside any TMD which had no remaining traffic capacity. The developer opted to mitigate the project's impact in order to proceed, and was required to negotiate a TMAg to make that commitment binding. Sometimes these residential developments contributed to extension of bus service to a previously-unserved area, or committed funds to increase the frequency of existing service or to market existing service. In a recent townhouse development a different approach was used, and a program was undertaken to buy-down the cost of bus passes. A brief summary of two of these approaches is provided below.

New England Development. In the Friendship Heights TMD, the TMAg for the New England Development mixed-use project at the Hecht Company site includes provisions for participation by the residential development in TDM efforts.

Provisions which apply specifically to the residential component include:

- Distributing TMD "Welcome Packets" to new residents
- Encouraging participation in the Annual Commuter Survey
- Encouraging the developer of the residential building to wire the building to promote telecommuting
- Providing space for periodic transit and alternative commute promotions
- Providing permanent display space in active areas of the complex
- Reserving parking spaces for car-sharing vehicles in the garage

Maple Ridge Townhouse Development. This development is located outside a TMD, in the Fairland/White Oak Policy Area. Because there was insufficient traffic capacity to accommodate the proposed 59 unit townhouse development, the applicant was permitted to mitigate the project's impact as a Full-Cost Developer Participation development under the FY2003 AGP Staging Ceiling Flexibility provisions.

The key provisions of this program are highlighted below:

- Transit fare buy-down program to offset 49 peak hour trips
- Program recently initiated and is being actively marketed
- Participants required to sign an affidavit confirming they will use the transit passes for peak hour travel and that they are new transit users
- Program being administered by nationally-recognized commuter benefits firm, WageWorks, Inc.
- Developer required to get a certain number of trips toward goal by reducing trips generated by nearby residential development before commencing construction
- Developer will reserve a certain number of passes for on-site participants
- Program Term: 12 years.
- Program Cost: Maximum \$352,110, including cost of bus passes, administrative costs, and advertising

D. Examples of Residential-Based TDM Programs Elsewhere

1. Arlington County, Virginia

Arlington County has a very active employer outreach program, conducted primarily through their contractor, Arlington Transportation Partners (ATP). Recently they implemented a new program targeting residential communities. As with Montgomery County's residential programs, many of the programs available are, in essence, the same as those directed at employers and employees in the county. The major difference is that this new program targets marketing of these programs to multi-family residential complexes, primarily through their apartment leasing/management providers.

The ATP web-site introducing these customized "Community Transportation Programs" indicates their key selling points to apartment managers are to "Attract Tenants, Retain Residents, Distinguish your Community, and Gain Recognition" – in short, to increase the marketability of their development. There are no "mandates" involved – the program is voluntary. ATP offers to help the apartment complex create a customized Community Transportation Program by providing the following kinds of assistance:

- Work with a Community Transportation Coordinator appointed as the contact person for that residential complex
- Survey tenants to better understand their needs
- Distribute transit information, Guaranteed Ride Home information, etc.
- Stock an information display or table in the lobby
- Provide transportation-related articles for the complex's newsletter
- Help design a transit web page for the complex
- Arrange a visit by their Mobile Commuter Store to sell transit fare media
- Work with them to devise a Community Transportation Plan (using selected strategies – see below)
- Additional "community-specific transportation initiatives may qualify for partial funding from the county."

- One of these initiatives can provide money from the County to waive car-sharing application fees for residents
- Another such initiative can be providing bus passes

One key component of the ATP Residential Services program is that they provide tangible rewards to incentivize the Community Transportation Coordinator to work with them to promote commute options. ATP staff work with the Coordinator to select the strategies that will comprise the Community Transportation Plan for that complex. (These plans are similar to the Traffic Mitigation Plans required of Montgomery County employers under Bill 32-02.) Coordinators earn points for each strategy the complex adopts as part of its plan, with certain strategies worth more points than others. These points can be used under ATP's "My Rewards" program. This program, which is also available to Transportation Coordinators at employment sites, provides gift cards as "rewards" to the Coordinators on a quarterly basis. Coordinators can earn up to \$50 per quarter in gift cards at retailers such as Barnes & Noble, Best Buy, and Blockbuster. A summary of the types of strategies and the points they are worth is included as Attachment B.

2. Fairfax County, Virginia

Fairfax County also has a voluntary, residentially-based outreach program, one that is very similar to the one in Arlington County. Known as the Fairfax County Community Residential Services Program, they partner with multi-family complexes, developers, and civic associations to create Community Transportation Programs, which promote use of mass transit, car/van pools, and other commute options. The program is too new to have yet measured success.

Services provided under Fairfax County's residential program include:

- Assessment – including establishing a contact person and determining available transportation options
- Residential Transportation Analysis – to determine residents' needs
- Planning and implementation
- Information dissemination
- On-Going Support – follow-up surveys, marketing, and technical support

3. Other Programs

Within the time constraints available, a limited amount of research on residentially-based TDM programs was conducted. Many areas have residentially-based programs. Programs in some areas – often those with less employment – have programs which are almost exclusively residentially-based. Findings indicate these programs generally follow the same basic format as those discussed above, using similar strategies. No programs using vastly different approaches to residential TDM were found. There was no data readily available measuring the success of these various programs.

E. Creative Approaches

Two programs which use slightly different techniques from those described above do exist in this area. Though they are not "residentially-based" in the classic sense, they deserve mention as creative ways of reaching out to commuters.

Nu-Ride – This program provides a way for commuters to car- or vanpool without an ongoing commitment, and to derive tangible benefits from doing so. Using a web-based registration and ride-request system, they match participants with rides. Both drivers and riders earn points they can accumulate to convert into “rewards” in the form of gift cards to major national merchants. This program is similar to the “My Rewards” program operated by Arlington Transportation Partners described above – except instead of giving rewards to on-site coordinators, it offers rewards to those who are actually using the commute options. The program is operating in Loudoun County, Virginia, and in the New York/Long Island/Connecticut area.

A representative of NuRide indicated their marketing and outreach thus far has been exclusively focused on major employers and multi-tenanted office buildings, where it is easier to communicate with large numbers of the target market. To date they have not focused on residential developments. He noted concerns regarding the greater difficulty in finding a consistent contact point and other challenges of marketing and communication at the residential level, but would be open to exploring such an approach. More information is available at www.nuride.com.

Bridge Bucks – This program was created to address a special need during reconstruction of the Wilson Bridge. The program provides \$50 per month toward the cost of transit or vanpool fares to commuters using the Wilson Bridge who switch from driving alone to an alternative mode for their commute. They are running an intensive marketing campaign entitled “Mission Possible – Keep You Moving” to draw the attention of drive-alone commuters. The benefit is available to the first 1,000 qualified enrollees (500 in Maryland, 500 in Virginia). More information is available at www.wilsonbridge.com.

F. Issues for Residentially-Based TDM Programs

There are a number of issues which should be addressed in considering how to structure a major residentially-based TDM effort for the Shady Grove area. It would be advisable for those involved in operating these types of programs to have the opportunity to participate in discussions regarding these issues before decisions are made which will impact the success of such programs. Some issues which will need to be addressed include:

- Assumptions need to be clarified regarding determination of mode share for residential projects
 - Programs should be able to take into consideration residents who are telecommuting/working from home, people using flex time, etc.
 - Types of trips to be taken into account should be considered. Are we just concerned about the people living in the residential project who go to work during the peak hour? What about people traveling during peak hour to take kids to school, do errands, or go to the health club?
 - If we are focused on the peak hour, does moving trips out of the peak hour help achieve the mode share goal?
- Measurement techniques for achievement of mode share need to be addressed
 - Do we rely on surveys (and what type), Census data, Census updates?
 - Are there monitoring techniques that can help us determine what is really happening? Are there privacy concerns with regard to some monitoring approaches? (e.g., use of SmarTrip cards)

- Duration (“term”) of programs and developer agreements needs to be addressed.
 - Some programs currently run for 12 or 15 years. What happens when they terminate?
 - Other programs run in perpetuity. When developers are involved, they become concerned about costs for such programs.
 - How do obligations of the developer get translated to condominium associations?
- Incentives for participation, and for performance. What can be built into the program structure – for developers, for building managers, for residents?
- Enforcement mechanisms and security instruments need to be considered
- Issues related to phased developments – at what point do certain requirements kick in, how does monitoring and enforcement relate to phasing; are interim goals appropriate?
- Varying types of residential projects may require varying types of programs, incentives for participation, etc.
 - Working with the developer/owner or manager of a 300 unit rental apartment complex is different from working with a 300 unit condominium complex
- Funding mechanisms, and related equity questions. Are developers going to be asked to fund programs and services? Are these costs going to be passed on to residents? Will the effect be that residents choosing to live in these TDM-friendly areas are “penalized” by higher fees, taxes, etc. – while those opting to live in less TDM-friendly suburban areas who commute via single occupant vehicle (creating congestion and air pollution) do so without financial penalty.

It also should be recognized there are differences between marketing TDM programs at employment sites and marketing them at residential sites. Some of these differences include:

- Communication mechanisms. Generally it is more difficult to communicate with residents than with employees. There are usually not the broadcast mechanisms (e.g., email, voice mail, office distribution) available in office settings. Some residential complexes have newsletters, but they may not be widely read. Usually only a handful of residents are active in tenant, condo, or civic associations.
- Timing of Outreach Efforts. On-site marketing for residential-based programs must be done in evenings or on weekends when residents are most likely to be at home. However, these are also times when they may be less receptive to these messages.
- Lack of existing financial incentive programs. Existing financial benefits, including transit subsidies and tax credits, are available only to employer-based programs, under current tax law.

cc: Carolyn Biggins
Peggy Schwartz

Attachment A

Summary of Residential Project TDM Strategies North Bethesda TMD February 15, 2005

General Observations – Most of the approvals for residential projects located the in North Bethesda TMD have consisted of a requirement to assist in achieving the TMD's mode share objectives. The resulting Traffic Mitigation Agreements (TMAs) have required so-called "soft" TDM measures, consisting mostly of cooperating with the TMD and assisting in certain elements of the marketing and outreach effort. Some projects (such as White Flint Place) have been fairly active in distributing information (including new tenant "Welcome" packets, maintaining small displays, etc.). Others have been less active.

Turn-over is relatively high among managers, and particularly among those who are given responsibility as "transportation coordinators" for implementing these programs, which creates problems for continuity of effort – and even basic understanding of the responsibilities. While most agreements include a provision that the development or management entity is responsible for notifying the TMD and/or County regarding any changes in transportation coordinators, this seldom occurs without prompting from the TMD. As a result of frequent turn-over among coordinators and other members of the management team at these projects it is often difficult to monitor exactly what is occurring within the projects.

North Bethesda Residential Project Summaries

1. Jefferson Villa/Windsor Villa (TMAg)

Development: 261 Multi-family dwelling units

Developer: JPI Development

Goal: 30% non auto-driver

Strategies:

- Proximity to Metro
- Designate transportation coordinator
- Pay TMD fee (This is the only NBTMD project that received a Use & Occupancy Permit before fee legislation expired.)
- Annual report
- Distribute information
- If above strategies don't achieve goal, could be obligated to implement other TDM strategies including transit subsidies, additional Emergency Ride Home programs, and additional duties for transportation coordinator – but not obligated to spend more than \$60,000 per year.

Security: TMAg specifically states no security instrument required.

Term: In perpetuity

Results: Most recent survey 55% to 58% using public transportation – based on a simple survey they did themselves.

2. Avalon Bay (Rock Spring Park) (TMAg)

Development: 390 garden apartments

Goal: Assist efforts to reach area-wide goal.
That goal is cited in signed agreement as 39% Non-Auto Driver Mode Share (even though this is a residential project)

Strategies:

- Assist efforts to reach area-wide goals
- Designate transportation coordinator
- Cooperate with TMD
- Provide displays
- Do survey
- Work with employers in Rock Spring Park
- Provide taxi access
- Provide bike parking

Term: In perpetuity

Results: Anticipate doing survey this spring at same general time as employment survey.

3. White Flint Place/The Gallery at White Flint Place (TMAg)

Development: 500+ Multi-family dwelling units

Developer: Donohoe Companies

Originally a mixed-use project with a 10-story office component and two 16-story residential towers. Residential component has been built and applicant has approval (we believe) to change office component to residential. Original TMAg addressed both office and residential components of project. TMAg needs to be amended to reflect change in project.

Goals: Assist efforts to reach area-wide goals – 39% non-auto driver for non-residential and 30% non auto-driver for residential

Strategies:

- Distribute information
- Designate transportation coordinator
- Participate in TMO
- Do survey
- Distribute welcome packets
- Annual report
- Sell discounted transit passes
- Promote GRH/ERH

- Provide carpool /vanpool spaces
- Encourage flextime and telecommuting
- Pay any share-a ride or transportation management fees that may be required.

Term: In perpetuity

Results: Anticipate doing survey this spring at same general time as employment survey

4. Grosvenor Village/Avalon at Grosvenor Station

(Note: This is not a TMAg, but a Site Plan Enforcement Agreement that includes language requiring TDM programs and activities.)

Development:

Developer: Potomac Investment Properties

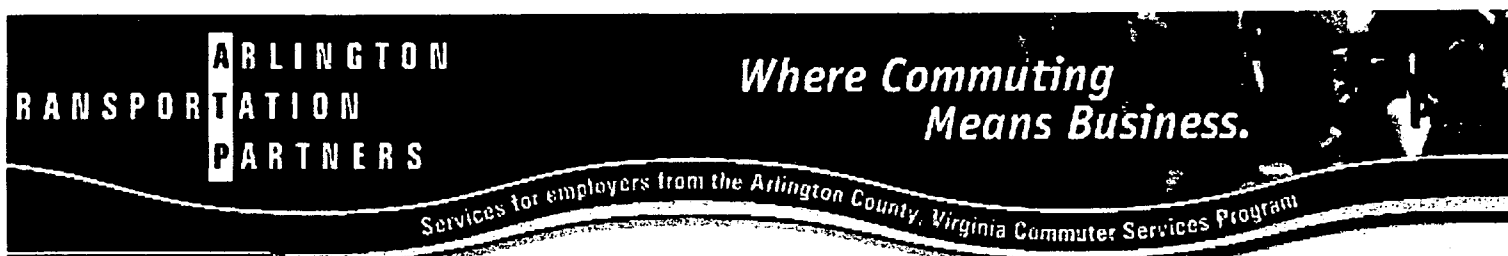
Goal: Assist efforts to reach area-wide goal – specific percentage not cited in agreement.

Strategies:

- Pay TMD fee
- Designate transportation coordinator
- Provide display
- Promotions
- Distribute Welcome Packets
- Install bike racks
- Buildings to be wired to support telecommuting
- Do survey

Results: Anticipate doing survey this spring at same general time as employment survey

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Services for Employers

Commuter Benefits Programs for Employers

Services for Residential Communities

How ATP Works With You
Transportation Levels
My Rewards Program
Transportation Survey
Events & Promotions
Information Display
Mobile Commuter Store
Visits

Transportation Benefits for Residential Communities

Brochures

My Rewards

Solutions Newsletter

Transportation Organizations

Commuting Issues

Success Stories

About Us

Community Transportation Levels

Gain recognition for all of the ways you enhance and improve your residents' knowledge of and access to transportation options. As you decide which Community Transportation Programs you will implement, Arlington Transportation Partners (ATP) will work with you to develop a customized Community Transportation Plan. The four levels of Community Transportation Plans, Bronze, Silver, Gold, and Platinum, are explained below.

Bronze

COORDINATOR'S ROLE: Serve as your community's liaison with ATP and distribute transportation information to residents.

Bronze Level programs include:

- Using our free service, conduct a Community Transportation Survey. (2 [My Rewards](#) points)
- Attend a FREE, ATP-sponsored community transportation workshop or seminar. (5 [My Rewards](#) points)
- Participate in an ATP focus group. (8 [My Rewards](#) points)
- Post transportation information in your newsletter, on a central bulletin board or on your website. (1 [My Rewards](#) point)
- Include transportation information in new resident packets (2 [My Rewards](#) points)
- Make SmarTrip cards available for purchase in your lobby or leasing office. (2 [My Rewards](#) points)
- Recognize residents who use public transportation three or more times a week.

Silver

COORDINATOR'S ROLE: In addition to Bronze level responsibilities, conduct regular promotional efforts to encourage various commute programs.

Silver Level programs include:

- Install a permanent display case in a central area and keep it stocked with commuter information. (3 [My Rewards](#) points)
- Host an on-site transportation event for residents. ATP staff is available to participate in a residential event or make a presentation to employees or management. (3 [My Rewards](#) points)
- Provide preferred parking spaces for carpools and vanpools.

[My Rewards](#) [Corporate Travel](#) [ATP Brochure Services](#)
Account Holders Login:

Username:

Password:



- (3 My Rewards points)
- Provide a parking spot for a Flex Car or Zip Car. (2 My Rewards points)
- Provide SmarTrip cards free of charge to new residents (5 My Rewards points)
- Schedule regular Mobile Commuter Store visits to your complex (5 My Rewards points)
- Designate a slug area where riders can meet for informal carpools (1 My Rewards point)
- Post site-specific transit information on your website (1 My Rewards point)
- With the help of ATP, create a customized transportation Web page for your community (5 My Rewards points)
- Work with ATP to obtain free bus ride coupons for your residents (2 My Rewards points)
- Provide on-site ridematching (5 My Rewards points)

Gold

COORDINATOR'S ROLE: In addition to Silver level responsibilities, develop one of the following types of programs to provide a significant incentive for your residents to switch to different transportation methods.

Gold Level programs include:

- Install bicycle racks or storage cages to encourage bicycle commuting. (2 My Rewards points)
- Provide a shuttle to local transit stations or shopping areas. (15 My Rewards points)
- Supplement the regional Guaranteed Ride Home program with an additional community-sponsored service. (5 My Rewards points)
- Offer free or reduced-price parking for carpools and vanpools where a fee previously existed. (5 My Rewards points)
- Start community-sponsored or subsidized vanpools. (10 My Rewards points)
- Implement a comprehensive Ozone Action Days program. (5 My Rewards points)
- Join with local businesses to provide incentives or prizes for residents who improve their commuting method (5 My Rewards points)
- Hold a bike-to-work day for your residents (10 My Rewards points)
- Wire your building for high speed internet to promote telecommuting from home (3 My Rewards points)
- Adopt a bus stop (15 My Rewards points)
- With the help of ATP, create a customized printed brochure specific to your community. (5 My Rewards points)
- Extend a transit route (20 My Rewards points)

Platinum

COORDINATOR'S ROLE: Coordinate a comprehensive commuter program involving Bronze, Silver and Gold-level activities, and implement additional Gold-level programs.

Community Transportation Plan Sign-up Form

Ready to select a plan? If so, simply download our Community Transportation Plan signup form (in PDF format), fill it out, and [mail](#) or [fax](#) it to ATP.

If you are interested in creating a plan, but aren't sure which programs would be the best for your community's needs, just [contact us](#) and we'll work with you to select the plan that's right for your organization and residents.

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ARLINGTON COUNTY
COMMUTER SERVICES

Arlington Transportation Partners is a member of:



Traffic Mitigation Agreements

Large residential or mixed use projects

Project Name	Year of development approval/ TMA duration	Size of development	TMA goals	TMA strategies
Trip Reduction Goals				
Bethesda Center North/LCOR (North Bethesda / Garrett Park Planning Area)	Proposed / 55 years	- 31 acres - 1,350 apartments - 1.1 million SF office - 200,000 SF retail	- Mitigate 50 percent of both AM and PM peak hour site generated trips	- Adjacent to White Flint Metrorail Station. - Participate in North Bethesda TMD - Transportation benefits coordinator - Transit store - Carpool and car-sharing spaces - Parking management plan - Quarterly monitoring
Twinbrook Commons (North Bethesda / Garrett Park Planning Area)	Proposed / 99 years	- 16 acres - 1,625 apartments (1,114 in MC) - 325,000 SF office (all in Co/R) - 200,000 SF retail (all in MC)	- Mitigate 50 percent of both AM and PM peak hour site-generated trips	- Adjacent to Twinbrook Metrorail Station. - Participate in North Bethesda TMD - On-site transit store - Bus shelters - Carpooling and car-sharing - Parking management plan - Transportation benefits coordinator - Quarterly monitoring
Fortune Parc (Potomac Planning Area)	2003 / 10 years	- 50 acres - 600 residential units (apartments and townhouses - 800,000 SF office - 30,000 SF retail	- Limit to 1,336 the total number of peak hour site trips generated by non-residential uses	- Shuttle to/from Metro station - On-site transit center - Two new bus shelters - 50-percent discount for bus transit fares (employees on site) - Carpool spaces to meet demand - Transportation benefits coordinator - Quarterly monitoring

Traffic Mitigation Agreements

Large residential or mixed use projects

Project Name	Year of development approval/ TMA duration	Size of development	TMA goals	TMA strategies
Mode Share Goals				
Traville (Gaithersburg and Vicinity Planning Area)	1997 / 15 years	- 192 acres - 750 residential units - 1.3 million SF office and retail	- Make good faith effort to help the TMD achieve mode share goals (12% non-auto for workers, 25% non-auto for residents - Achieve a 25 percent reduction to total peak hour trips expected to be generated from the site.	- Participate in future Shady Grove TMD - On-site transit center - Bus shelters - Transportation benefits coordinator - Semi-annual monitoring
Wisconsin Place (Friendship Heights Sector Plan Area)	2003 / Perpetuity	- 305,000 SF office - 305,000 SF retail - 480,000 SF residential	- Make a good faith effort to help the TMD achieve mode-share goals (39% non-auto for employees)	- Participate in Friendship Heights TMD - Transportation benefits coordinator
Jefferson Villa (North Bethesda / Garrett Park Planning Area)	1997 / Perpetuity	- 261 residential units	- Make a good faith effort to help the TMD achieve mode-share goals (30% non-auto for residents)	- Participate in North Bethesda TMD - Transportation benefits coordinator
The Jefferson at Inigo's Crossing (North Bethesda / Garrett Park Planning Area)	2003 / Perpetuity	- 473 residential units	- Make a good faith effort to help the TMD achieve mode-share goals (30% non-auto for residents)	- Participate in North Bethesda TMD - Transportation benefits coordinator

16 November 2004

Detailed Comments on the Draft Shady Grove Sector Plan
Pamela Lindstrom

Overall, I support the development in the sector plan and many of the specific design and implementation features. However, there are details that need work. This memo proposes changes in many of the bulleted sections that specify how to implement various objectives. These changes carry out several themes:

- The plan must reassure residents that that facilities will be adequate, that the few most valued facilities will be provided, and the threat to Blueberry Park is removed.
- The plan must appear strong and consistent enough to implement the vision of a pedestrian-oriented town center. It must restrict increase in traffic and provide the facilities necessary to increase transit, pedestrian and bicycle access to and within the center.

Page 32, General Design Guidelines

10th bullet. Rewrite: Design buildings or blocks of buildings around open courtyards. Parking should be built underground, below or within the buildings. Explore building a ground floor parking deck that extends beneath the courtyard as well as the building. The courtyard should be vegetated and provide open space and/or recreation for residents. Visibility of parking garages from the street should be avoided.

New bullet: Work with retailers to provide shops and services needed by residents and commuters. Locate shops serving commuters close to the station and parking garages. Consider locating shops in the parking garages.

Page 49, Land Use and Urban Design Guidelines – MD 355

Add a bullet as number 4: Create a major signed bicycle/pedestrian crossing from King Farm at King Farm Boulevard, and prominent path to the Metro station.

Page 59. Transportation Objectives

2nd bullet should say "... that emphasize transit and other alternatives to single-occupant cars." Road widening is not recommended anywhere in the sector plan area, so should not be listed as a method to reduce congestion in these objectives.

Page 61 Station Access and Transit Service

First bullet: Allow an increase in Metro parking if it is located on the periphery of the planning area and accessible only from a major arterial. Parking beyond the current amount must be accompanied by an agreement for shared parking in the Metro garages.

Page 62. TMD

This section should include a short discussion of transit and non-SOV mode shares in other transit-served centers – Silver Spring, Wheaton, Arlington. According to the Dennis Leach study, 38% of residents commute by transit in the Rosslyn-Ballston corridor, only 41% drive alone to work. Multifamily housing generates only one car trip per 8 units in the PM peak hour.

2nd bullet, add the following language: The TMD should set an ambitious goal for lowered peak hour car trip generation, and adopt creative measures for meeting the goal, such as giving free transit passes to car-free households, and organizing shared car programs. It should monitor mode shares as development proceeds.

4th bullet. Setting parking standards is not the task of the TMD, but is a matter of changing the Zoning Ordinance. This bullet should address the TMD's interest in efficient use of the parking garages, so it

benefits people in the Metro neighborhoods, not just commuters. It should say: The TMD should negotiate and manage shared parking arrangements between WMATA and area residents and businesses. Last bullet: Provide convenient secure parking, preferably covered, for bicycles.

More bullets

- Organize shuttle bus services to Shady Grove West, Shady Grove Hospital, Falls Grove and other points west of I 270.
- Arrange carpools and vanpools serving employees and Metro riders.

Bus Service

Last bullet. State more directly: Develop and organize Bus Rapid Transit improvements on Rt. 355 to provide a good alternative to driving to the station and major centers like Rockville, Montgomery College and Gaithersburg.

Page 63. Transit Center

4th bullet. Expand and improve pedestrian and bicycle connection between east and west sides...

Add bullet: Improve the efficiency with which buses move between major roads and the Metro station (or transit center).

Page 65-6. Bikeway map and Classifications

Bikeway number SP 66 is shown on the map but not described in the table. It should extend under the railroad tracks and connect to B 11. The table should describe clearly a through bikeway and pedestrian route connecting both sides of the tracks.

Page 67. MD Route 355

First bullet. The Major Highway classification is inappropriate. This segment of Rt 355 should be a business district road, in keeping with the stated goal of creating an urban boulevard. A new category "Urban Boulevard" should be defined for major highways where they serve as main streets near Metro stations or business districts.

Add bullet as number 5: Provide a major bicycle/pedestrian crossing at the Shady Grove Road/Crabbs Branch intersection until the underpass is completed.

Page 69. Crabbs Branch Way

First bullet. Be more positive about traffic calming. "A traffic circle ... should be provided. Additional traffic calming measures along Amity Drive should be designed to slow traffic and increase pedestrian safety."

Intersections: Keep the language in the draft plan which tells why the document should NOT plan for widening intersections on major roads. This plan must not state the goal of calm pedestrian-oriented streets, and at the same time plan to widen intersections that are already wide, intimidating and dangerous.

Page 73. Parking Supply and Demand

First bullet: CBD parking standards are too high! There are higher parking requirements in Bethesda than in Rosslyn-Ballston centers, which surely contributes to higher traffic congestion in Bethesda.

4th Bullet: Providing joint use of Metro parking spaces..... for residents and customers.

Page 98. Staging

Before stage 1: Delete the last bullet, at least the first sentence. There must be adequate facilities for ANY development, including of the county service park.

SCHOOLS must be added to the staging sequence; not only schools in general, but the elementary school on the Casey Tract in particular. It should be required at the stage where expected students would exceed capacity. Thus the use of Blueberry Park as a back-up could be eliminated from the plan.

Before stage 2 there should be required progress on improving alternate transportation facilities. Having these in the staging plan will reassure residents that the bikeways and feeder buses to relieve commuting traffic will be provided. For instance:

- Route 355 bikeway and pedestrian crossing improvements funded.
- Increases in peak period Ride On service funded.

Before stage 3.

Add the following bullets:

- Fund construction of rapid bus improvements on Rt 355, with improved access to and from the Transit Center.

Third bullet should extend the goals to other alternative modes in addition to transit. It should also be clear that everyone must meet the mode share goals, not just new development:

- TMD must demonstrate achievement of transit mode share goals and non-auto driver goals for the sector plan areas.



May 23, 2004

Derick Berlage
Planning Board Chairman
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Berlage,

The Board of Directors of the Park Overlook Home Owners Association (HOA) strongly opposes a number of elements that are being proposed for the Shady Grove Master Plan. We request that the Planning Board consider the above items and rethink their inclusion in the Master Plan.

1. Designation of Blueberry Hill Park as a back up site for an elementary school. Please only consider this park a park. Currently this park is used and enjoyed by numerous sporting groups from through out the area for activities most weekends and some evenings. If this site is taken for a school it will increase traffic through the community and force bussing of children who will attend the school as opposed to allowing them to walk to a school within their own development. The board opposes any wording that would make the park an alternative school site.

Our community loves Blueberry Hill Park and the quiet Park Overlook neighborhood. We have fought hard to keep this very special piece of beauty preserved. Destroying our park and putting a new school in the middle of our quiet neighborhood is wrong. **The community does not support it, your planners do not support it and your school officials do not support it**

2. Remove the bike path connection from Metro into the Park Overlook Community. The community does not want a bike path into the community nor a bike path connection to Metro and has previously expressed that opinion to Montgomery County Department of Transportation Planners and to Park and Planning via letters to Dan Hardy and Karen Kumm.
3. Bike Path (B8) through Park Overlook connecting from Needwood at Redland Road, into the community, and then turning left (west) across Park Overlook Property and connecting to the Metro Bike Path. Again the community and Board do not want a bike path in the community. There will be a bike path along Redland Road from Needwood west to Crabbs Branch and the Metro, which will allow bicyclists to commute to and from the Metro. They do not need to commute through Park Overlook. Additionally, the Board has no intention of granting an easement across community property now or in future years.
4. Remove high rise/high density development immediately surrounding the Metro from the plan. Derwood is a wonderful suburban community that has enough development and the addition of high rise/ high density development would drastically alter the look and atmosphere of the area. While additional housing within the county is a necessity, high rise development in Derwood is strongly opposed. Low to mid rise development is in line with the surrounding area.

We would appreciate your commitment to preserve this community as stated in your mission statement: The Mission of the Montgomery County Department of Park and Planning is to improve the quality of life by conserving and enhancing the natural and developed environment for current and future generations.

Thank you for consideration of these items in this last planning session. Please give us a master plan that will preserve the park and put this issue to rest. Many people have promised us that Blueberry will remain a park. Please uphold those promises and give this community peace and resolution on this issue.

Very truly yours,

Carol A. Duvall
President
Park Overlook Home Owners Association

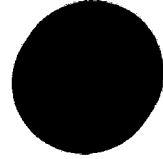
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SHADY GROVE SP
Delgado, Annette

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MONTGOMERY COUNTY
COUNCIL

Page 1 of 1

GO

From: dsh1 [dsh1@comcast.net] 2005 FEB -3 AM 8: 26
Sent: Wednesday, February 02, 2005 10:34 PM
To: Praisner's Office, Councilmember; Andrews' Office, Councilmember; Floreen's Office, Councilmember; Montgomery County Council
Cc: Perez's Office, Councilmember
Subject: Bikepath in Shady Grove Master Plan -attn: Thursday PHED Meeting



013229

February 2, 2005

Dear Councilmembers,

Attached is a letter written by the Park Overlook HOA president Carol Duvall. It concerns, in part, the request of Park and Planning to remove a Master Plan proposed bike path through Park Overlook. Our community does not want a 'crime path' through the middle of our community to open the community to easy access of anyone coming from the Metro area. There will be a bike path only a few hundred feet away along Redland Road to the Metro. This proposed path is a costly redundancy. We again ask that you remove the path from the Shady Grove Master Plan.

From the earlier letter:

Remove the bike path connection from Metro into the Park Overlook Community. The community does not want a bike path into the community nor a bike path connection to Metro and has previously expressed that opinion to Montgomery County Department of Transportation Planners and to Park and Planning via letters to Dan Hardy and Karen Kumm.

Bike Path (B8) through Park Overlook connecting from Needwood at Redland Road, into the community, and then turning left (west) across Park Overlook Property and connecting to the Metro Bike Path. Again the community and Board do not want a bike path in the community. There will be a bike path along Redland Road from Needwood west to Crabbs Branch and the Metro, which will allow bicyclists to commute to and from the Metro. They do not need to commute through Park Overlook. Additionally, the Board has no intention of granting an easement across community property now or in future years.

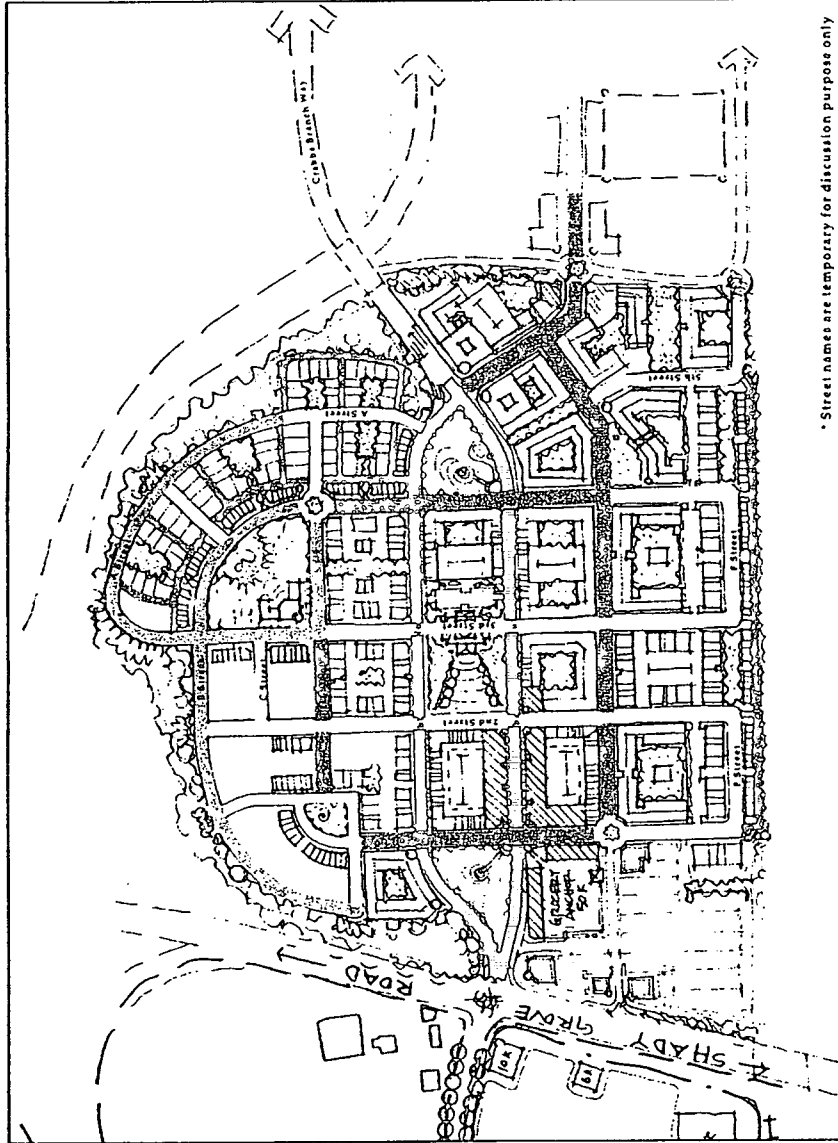
Thank you for your attention to this feature of the plan.

Sincerely,

Diana Heller
730 Keyport Terrace
Derwood, Md. 20855

2/3/2005

103



* Street names are temporary for discussion purpose only

Street Type	R.O.W.	Lanes	Parking	Sidewalk	Bike Lane	Tree	Bulb-Out	Setback	2-way Traffic
①	65'	2 x 2	both side	12'	yes	7' (@ Bulb-out)	yes	no	no
②	60'	2	both side	12' or 5' **	no	7' (well or strip)	yes	optional 10' to res.	yes
③	58'	2	both side	5'	no	7' (Planting strip)	yes	10'	yes
④	51'	2	one side	5'	no	7' (Planting strip)	yes	10'	yes
⑤	42'	1	one side	5'	no	7' (Planting strip)	no	10'	yes
⑥	20'	2	no	no	no	no	no	5' (Min. to garage)	yes

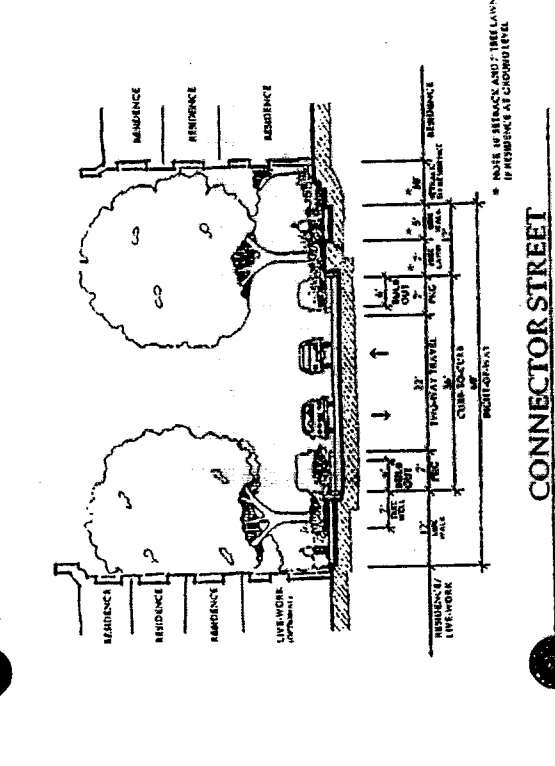
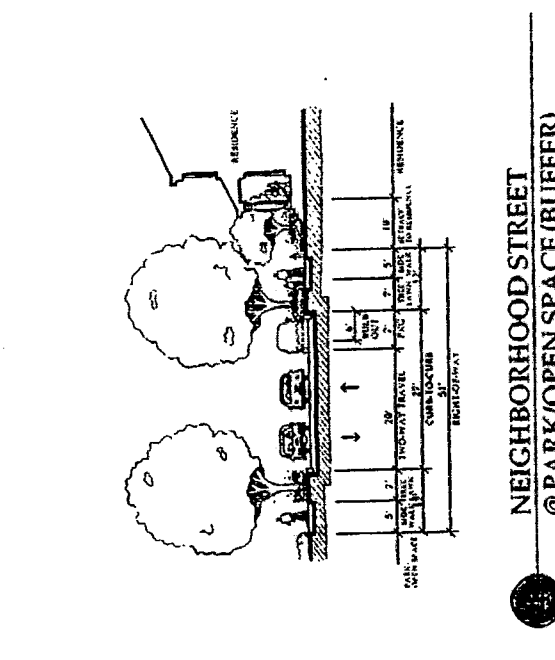
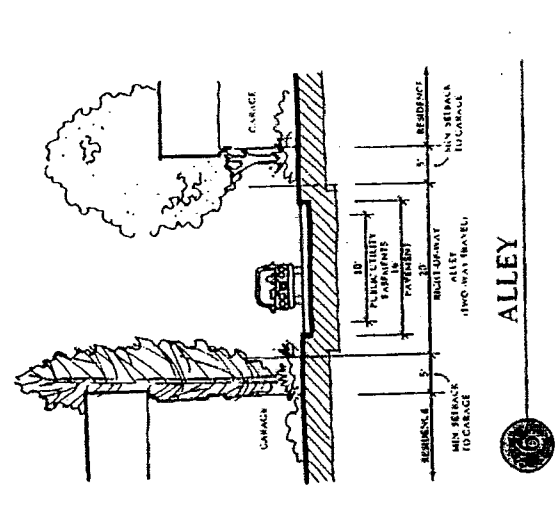
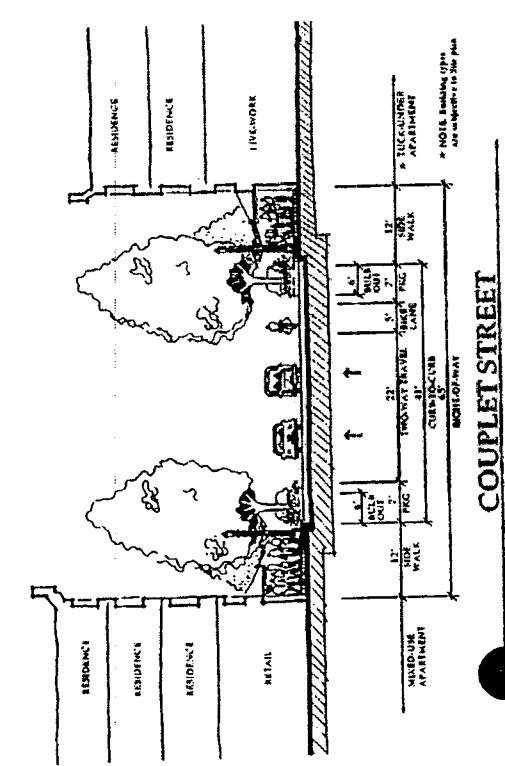
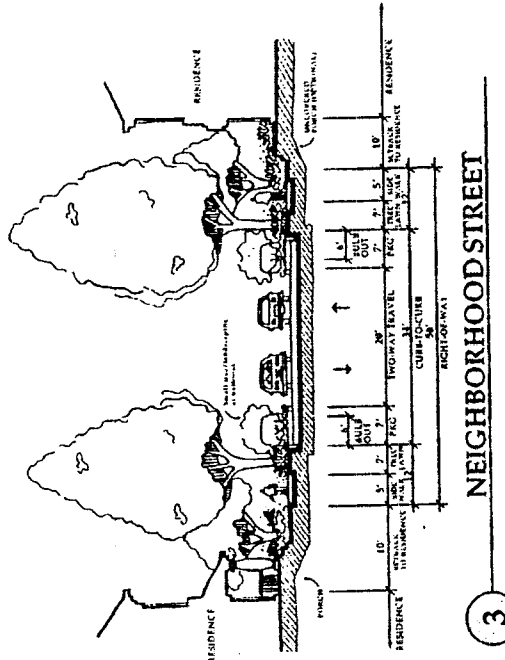
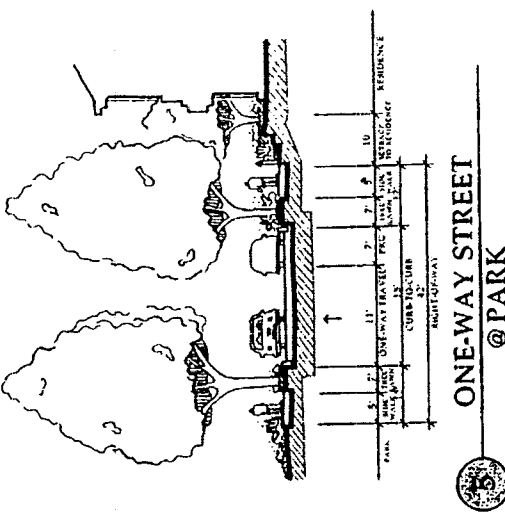
** 12' wide sidewalk with 7' wide tree well if live-work/retail at ground level

STREET SECTION LOCATION MAP

Shady Grove
February 3, 2005

Calliher Associates
Berkeley, California

Müller and Smith
McLean, VA



STREET SECTIONS

Shady Grove
February 3, 2005

California Association
of Architects

Shirley and Smith
McLean, VA

ITEM NO. 3: WORKFORCE HOUSING

RECOMMENDATION

The Planning Board supports including workforce housing in the Shady Grove Sector Plan. The Planning Board does not support including provisions for workforce housing in the new TOMX Zone without completing necessary legislation and other controls. Workforce housing could be achieved through legislation including the creation of a new Chapter 25B, private market production, and through Requests for Proposals (RFP) for the publicly owned land.

DISCUSSION

The County Council has requested that the Planning Board identify options to include workforce housing in the Shady Grove Sector Plan. The County Council defines workforce housing for the Shady Grove Sector Plan area as housing that can be purchased or rented by individuals or families that earn above the MPDU income ceiling up to 120 percent of the medium income (\$100,875) in Montgomery County. In addition, the County Council requested that any options for workforce housing incorporate the following:

- Additional workforce housing should not increase the amount of housing already proposed in the Sector Plan
- Workforce housing should not reduce the number of moderately priced dwelling units
- Workforce housing should be a minimum of 10 percent of the total housing in each project

Options for Consideration

- Require 10 percent as part of any agreement with a private developer on publicly owned land - 361 dwelling units of workforce housing
- Requirement of 10 percent for approval of all projects in Shady Grove - 670 dwelling units of workforce housing
- Requirement of 10 percent for approval of the Optional Method of Development in the TOMX 2.0 Zone - 395 dwelling units of workforce housing

Table: Publicly Owned Land and Housing by Neighborhood in Shady Grove

Neighborhood	Zone	Total Housing	MPDUs (15%)	Workforce (10%)
Jeremiah Park	PD-15	640	96	64
Metro West				
- WMATA	TOMX 2.0	865	130	87
Metro North				
- WMATA	TOMX 2.0	854	129	86
- DPWT	TOMX 2.0	1220	183	122
- MCPS	TOMX 2.0	12	0	2
Totals		3591	538	361

CONCLUSIONS

All of the options require legislation (Chapter 25A or a new Chapter 25B) to include workforce housing. In addition, a method to monitor the price of housing, and to establish time limits will be required. An implementing agency should also be identified. The staff is presently working on a comprehensive examination of workforce housing in Montgomery County. The initial work will be completed within the next two months. Amendments to the zones should wait until this comprehensive examination is completed.

The Planning Board supports including workforce housing in the Shady Grove area, but they are concerned with adding another competing interest to the area. The Planning Board supports adding language in the Sector Plan that encourages workforce housing, but they do not support a requirement at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MONTGOMERY COUNTY PLANNING BOARD

February 25, 2005

TO: The County Council for Montgomery County, Maryland, sitting as
the District Council for the Maryland-Washington Regional District
in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Planning Board Opinion on Zoning Text Amendment 05-02.

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Text Amendment No.05-02 at its regular meeting on Thursday, February 24, 2005. By a vote of 4-1, the Board recommended that the text amendment be approved as modified and described herein.

The zoning text amendment proposes to establish a Transit Oriented Mixed Use Zone (TOMX 2.0) to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan. Previously, the Planning Board reviewed this text amendment on January 27, 2005 and forwarded it to the County Council. Subsequent to its introduction, the Council has requested that the Board address workforce housing and Transfer Development Rights (TDR's) for inclusion in the proposed text amendment.

The Board strongly supports increasing the supply of workforce housing. However, the Board does not believe that workforce housing can be required in the zoning text amendment at this time, because the County has yet to create a formal workforce housing program. It is our understanding that DHCA will study creation of such a program. We welcome that initiative but do not believe it prudent to include a workforce housing requirement in the ZTA until the specifics of the program are decided. As an alternative, the Board suggests including language in the Shady Grove Sector Plan that workforce housing is desired in any future development there, and can be achieved through a number of mechanisms. These mechanisms include a new legislative program and/or a

Montgomery County Planning Board, 8787 Georgia Avenue, Silver Spring, Maryland 20910
Phone: (301) 495-4605, Fax: (301) 495-1320, E-mail: mcp-chairman@mncppc-mc.org, www.mncppc-mc.org

commitment that government-owned land will be made available only to developers who agree to build some workforce housing. The Shady Grove Sector Plan could specify the desired percentages of workforce housing, recommend locations (private or publicly owned land) for this housing or recommend legislation to create a workforce housing program.

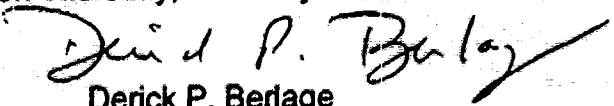
The Board is anxious to increase the number of TDR receiving areas in the County. However, the Board believes that the densities proposed in the Shady Grove Sector Plan cannot be increased without compromising compatibility with surrounding areas. The Board believes that to accommodate TDR's in this Plan, the proposed densities would need to increase at the expense of other recommendations contained in the Plan. Therefore, the Board does not support the inclusion of TDR's in this zoning text amendment. The Board anticipates that future Master Plans will provide a significant opportunity to accommodate TDR's.

Finally, the Planning Board made the following modifications to the subject text amendment:

1. Revise the Table of Permitted Uses - The following uses should be included in the use table of the TOMX 2.0 Zone:
 - a) Group Day Care and Child Day Care should be permitted a use instead of Special Exception use.
 - b) Advanced technology and biotechnology research and development uses should be added to the use table.
 - c) Office, professional including banks and financial institutions should include drive-in banks as a permitted use
2. Revise Streetscape Guidelines to eliminate the term "... and crossing signals" from the text.
3. Add language that would permit properties with a minimum net lot area of 18,000 square feet to subdivide after approval of a Project Plan under the Optional Method of Development.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on a motion of Vice Chair Perdue and seconded by Commissioner Bryant with Commissioner Robinson and Chairman Berlage voting in favor, and Commissioner Wellington voting against the motion, at its regular meeting held in Silver Spring, Maryland on Thursday, February 24, 2005.


Derick P. Berlage
Chairman

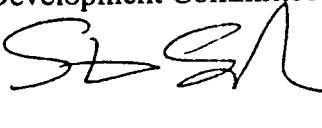


MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

STEVEN A. SILVERMAN
COUNCILMEMBER

MEMORANDUM

March 14, 2005

To: Planning, Housing, and Economic Development Committee
From: Councilmember Steve Silverman 
Subject: Workforce Housing

I would like to suggest that we take the following approach with respect to the issue of workforce housing in the Shady Grove Sector Plan:

The Sector Plan

The Planning Board has recommended and the Committee previously has indicated support for requiring 10% of the housing on publicly owned land in the Sector Plan to be workforce housing. This would apply to Jeremiah Park, WMATA Metro West property, WMATA Metro North property, DPWT and MCPS property.

I propose that the Sector Plan also contain language that states that the County Council will consider requiring a component of workforce housing for properties in the new Transit Oriented Mixed Use zone. The decision would be made as part of the Council action on the TOMX zone and would also require accompanying legislation. Although a specific definition of workforce housing would be developed as part of the legislation, it is typically defined as housing affordable to households between 80-120% of area median income.

TOMX Zone

I believe that the TOMX zone should have a requirement for 10% workforce housing if an applicant wishes to develop under the optional method of the proposed zone, with the optional method densities proposed by the Planning Board in the recommended TOMX zone and Sector Plan. The densities recommended in the Sector Plan would not be increased.

March 14, 2005

Page 2

Workforce Housing Legislation

A workforce housing requirement in the TOMX zone also requires legislation to set out control period lengths, administering agency, price of housing, etc. I propose that action on the new zone occur in conjunction with action on the legislation.

Timing

I would propose that the Council act on the Sector Plan as soon as the Committee finishes its recommendations, and act on the zone after budget and before adoption of the Sectional Map Amendment. On several occasions, most recently with the Upper Rock Creek Plan, the Council has adopted a master plan prior to adoption of zoning text amendments related to the Plan.

This schedule will permit introduction, public hearing, and action on workforce housing legislation in conjunction with action on the zone.

\\Council-fs1\COUNCIL\Silverman\FITZBARE\misc05\0305\workforce housing 314.doc

MEMORANDUM

March 10, 2005

To: Marlene Michaelson, Senior Legislative Analyst

From: N'kosi Yearwood and Karen Kumm
M-NCPPC

Re: Cities of Gaithersburg and Rockville annexation and Shady Grove

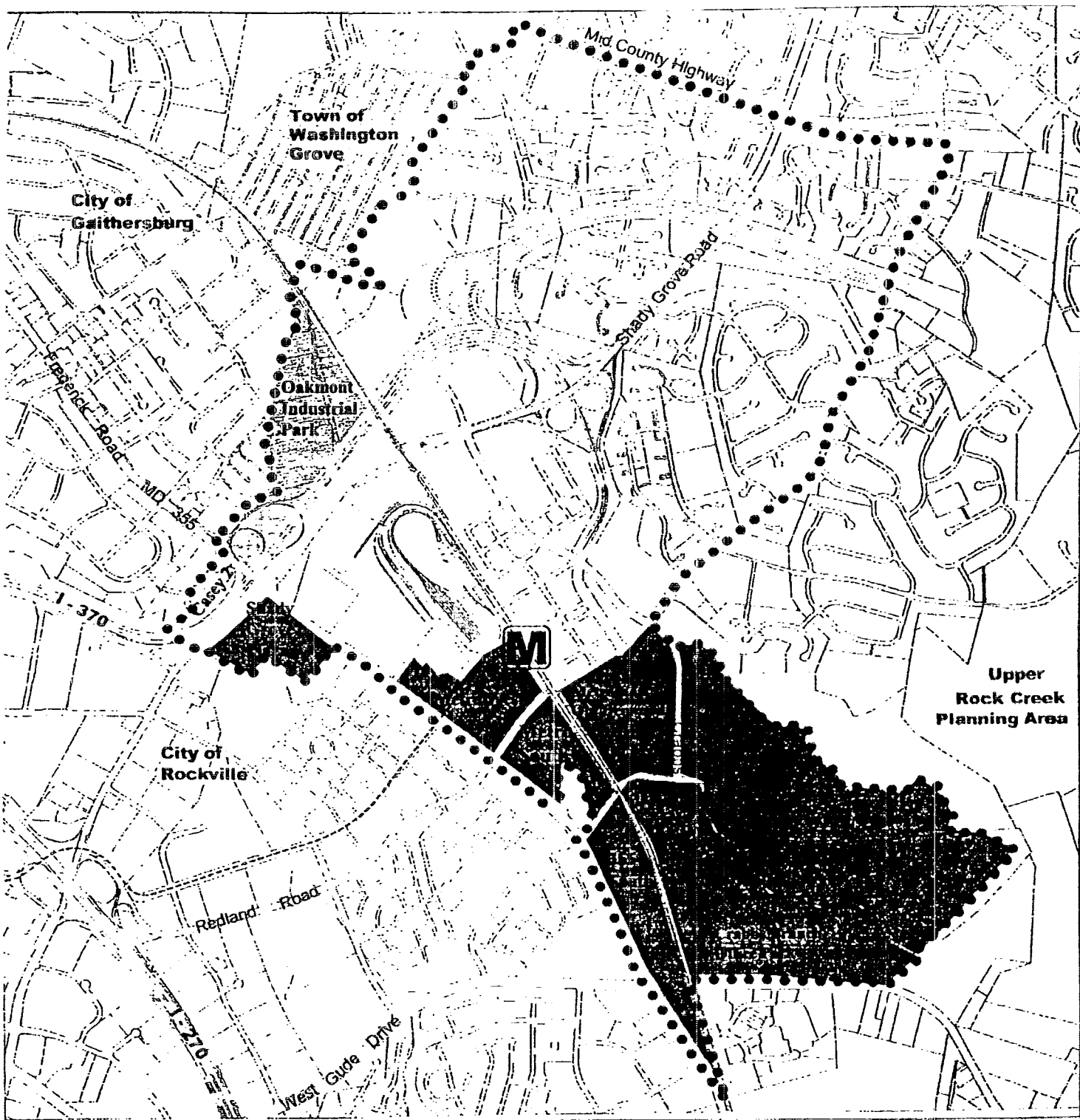
During the Planning, Housing and Economic (PHED) Committee's review of the Shady Grove Sector Plan, council members have inquired on the annexation limits of the cities of Gaithersburg and Rockville. The attached information illustrates the various areas within the Shady Grove Planning area where annexation may occur, growth boundaries for Rockville and Gaithersburg, and additional information.

The City of Rockville could annex properties in the following Shady Grove Sector Plan areas:

- Metro West
- Metro South
- Metro East/Old Derwood
- Crabbs Branch Office Park and Derwood Station
- MD 355 South Corridor
- Shady Grove Plaza

The City of Gaithersburg could the Casey #2 property and properties in the Oakmont Industrial Park.

Municipalities and Shady Grove Sector Plan Area

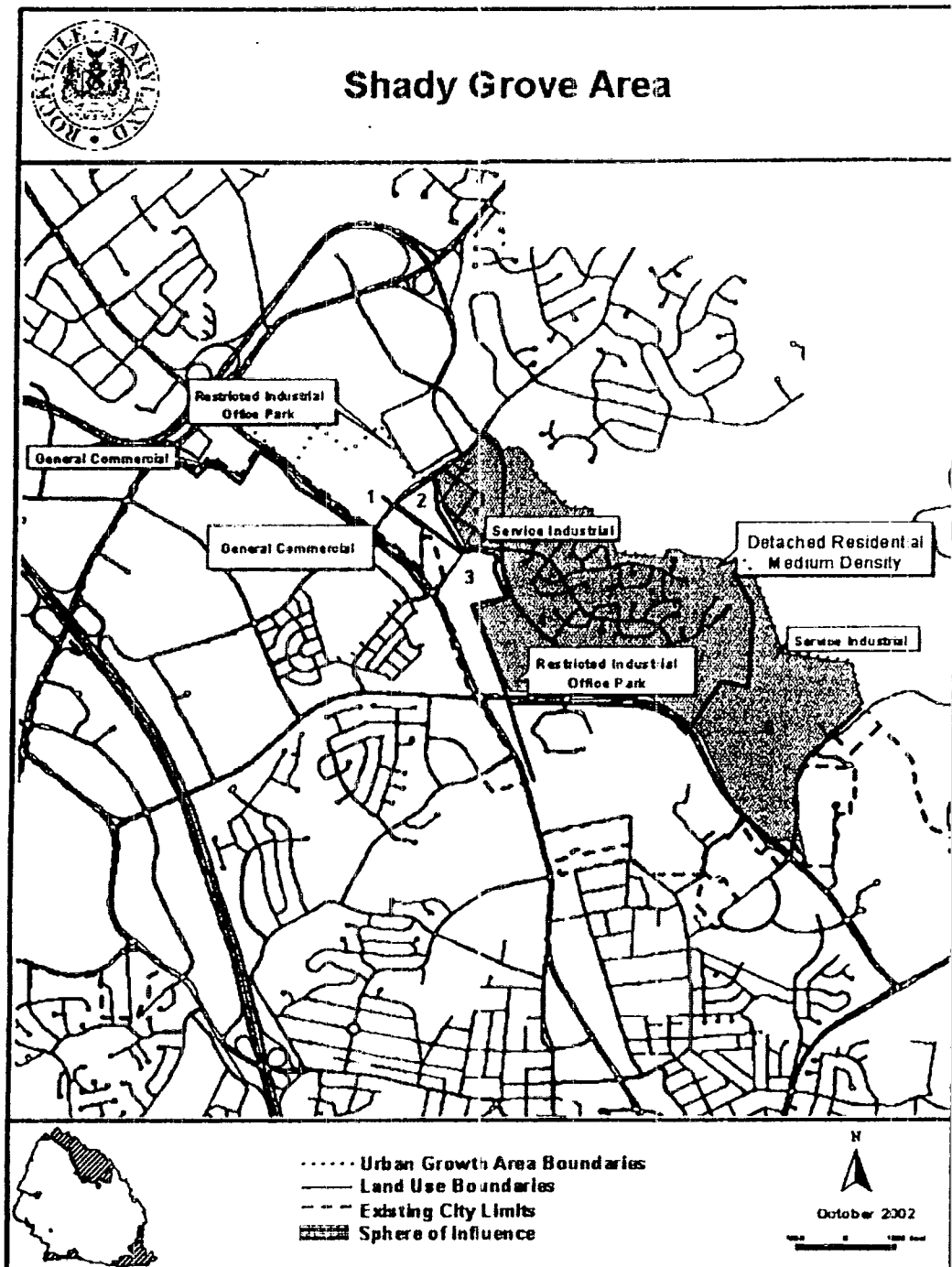


City of Rockville's annexation limits within Shady Grove Planning Area



City of Gaithersburg's annexation limits within Shady Grove Planning Area





Shady Grove Area

This is a fairly large area that extended the UGA to Shady Grove Road west of Frederick Road. On the east side of Frederick Road, the UGA is extended north to Redland Road and east along Rock Creek Park. This area has had the most annexations since 1993 including the King Farm Development.

Sub-area 1: This is the area adjacent to the Shady Grove Metro Station. The Shady Grove Metro Station Area Design Charrette that was conducted in 2000 by Montgomery County recommends that the zoning of the area be changed to encourage mixed use development with a diversity of housing types while accommodating parking needs.

Sub-area 2: This area is oddly shaped and bounded generally by Somerville Drive, Redland Road, the railroad tracks, Crabbs Branch Way, and Indianola Drive (on the southern boundary). Service industrial businesses are the primary land use. The 1993 Master Plan confirmed that use. However, since most of the area abuts residential use, it is desirable to have effective buffers between industrial and residential uses.

Sub-area 3: The boundaries of this area are Route 355 on the west, the Washington Gas site to the south, Redland Road, and the railroad tracks. There is a concentration of automobile dealers along Route 355 along with several fast food restaurants, gas stations, and freestanding retail establishments. This area is zoned for General Commercial, and that designation would continue for properties annexed into the City.

Sub-area 4: This area is north of Gude Drive and has been developed for office and industrial use. This Plan recommends retaining the County's Restricted Industrial/Office Park Designation for this area.

Sub-area 5: This is a large residential area located between Crabbs Branch Way and the 1993 Urban Growth Area boundary along Rock Creek Park.

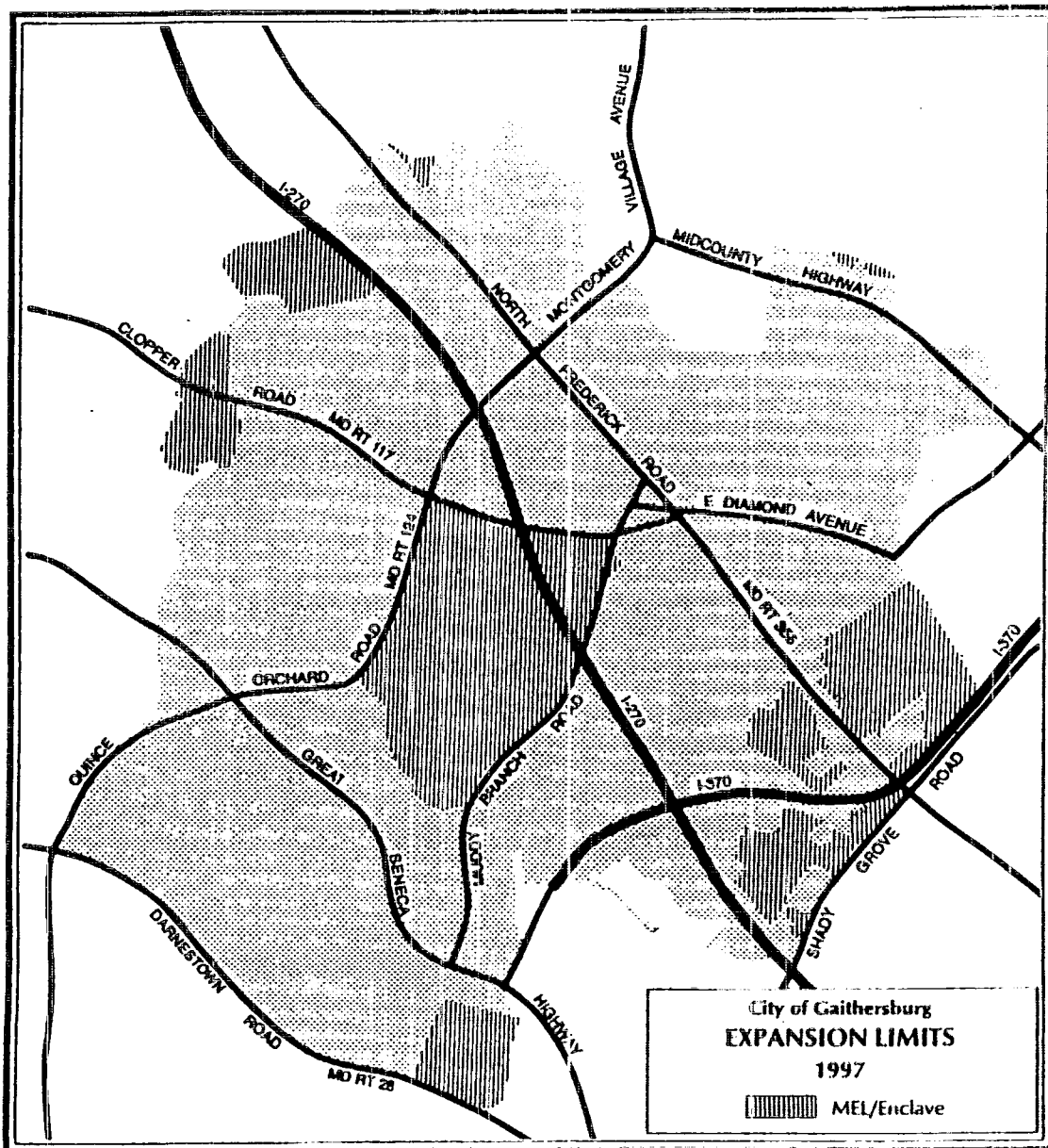
Sub-area 6: This area is bounded by Rock Creek Park and Southlawn Lane to the north and east, the railroad tracks to the west, and the Washington Gas site to the south. It is bisected by Gude Drive. This area was the subject of a 1999 joint study between the City and the County's Planning Board. That study recommended "that all of the area east of Gude Drive except the immediate intersection of Gude Drive and Southlawn Lane remain in the County's heavy industrial zone, or be placed in a comparable zone that could be proposed by the City, as a means of retaining land for such uses." The County supports annexations into the City's I-2 Zone west of Gude Drive because the "light industrial character of the area is in keeping with City's Service Industrial zone."

Sub-area 7: This area is bounded by Pleasant Road to the west, Shady Grove Road to the north, Route 355 to the east, and King Pontiac to the south. It is currently developed. The 1993 Master Plan recommended continuation of the General Commercial land use.

Montrose Road Area

This area is along Montrose Road and bounded by Falls Road to the west and I-270 to the east. It would bring the City's southern boundary to Montrose Road. Much of the area is comprised of

MAXIMUM EXPANSION LIMITS



A purpose of the Maximum Expansion Limits (MEL) policy is to set a geographical boundary for growth. Areas that are between the City's corporate limits and the Maximum Expansion Limits may be annexed into the City; however, there is no legal commitment to do so. Maximum Expansion Limits were set unilaterally by City Council Resolution and adopted in 1973. The Maximum Expansion Limits are useful in terms of planning because the City can forecast future service needs as well as determine the service responsibilities between County agencies and the City. Throughout the '80s, the City, in conjunction with the County, envisioned changing the existing MEL's, with the proposed boundary changes to basically follow existing roads instead of following or traversing

private properties, and reflect a more bilateral approach to this issue. Several annexations have already become effective within these proposed MEL's. Additionally, in 1992, the City of Gaithersburg, along with the City of Rockville and Montgomery County, entered into a joint Memorandum of Understanding which established guidelines for a 20-year planning horizon with respect to the land use and required community facilities, capital investment responsibilities, and logical and efficient operating service areas. The most important aspect of this Memorandum was the agreement by the jurisdictions to work cooperatively to develop procedural guidelines for annexation agreements which should include staging components.

Overall, the trend to grow will continue, but the rate of change, even with the new MEL, will be much slower in the 1990s, than during the 1980s.

POPULATION TRENDS

The City of Gaithersburg was the fastest growing city in the State of Maryland between 1970 and 1980, as it grew from 8,344 in 1970 to 26,424 in 1980 for an 18,080 person increase (or 216.7 percent) above the population in 1970. Between 1980 and 1990, the population increased to 39,542 reflecting a 49.6 percent increase by 1990.

The increase in population for Montgomery County went from 522,809 in 1970 to 579,000 in 1980, a 10.8 percent increase. In 1990, the Census Bureau listed the County population at 757,027.

The County's Gaithersburg Vicinity Planning Area (which excludes the City but includes Montgomery Village) comprises 31.6 square miles of land (1985 figure). The following figures illustrate the population growth for the City and surrounding area:

	1970	1980	1990	1995	1997
City of Gaithersburg	8,344	26,424	39,542	46,216	49,126
Gaithersburg Vicinity	23,150	66,516	103,500	115,800	120,400

The current estimate for the City of Gaithersburg as of July 1, 1997, is 49,126 persons. Assuming a growth rate of approximately 2 percent per year, or an addition of 240 dwelling units to the City's housing stock on an annual basis, population projections for the City to the year 2010 are as follows:

2000	2005	2010
53,176	58,710	64,820

HOUSING TRENDS

As population increased in the City, the number of housing units saw a concurrent increase. For many years the composition of the housing stock did not vary significantly. Apartment units dominated the inventory as documented in the City's first comprehensive housing survey in 1976, which pinpointed 68 percent of the housing stock as apartments.

SHADY GROVE SP

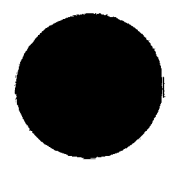


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MONTGOMERY COUNTY
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AW

March 7, 2005

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013818

City of Rockville
1 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Steve Silverman, Chair
Planning, Housing and Economic Development Committee
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Mayor & Council
240-314-8280
TTY 240-314-8137
FAX 240-314-8289

Re: Draft Shady Grove Sector Plan

Dear Mr. Silverman:

On behalf of the Rockville City Council, I would like to respond to the questions raised by the PHED Committee during worksessions on the draft Shady Grove Sector Plan. Most questions have centered on the potential for annexation of portions of the Shady Grove Sector Plan area, as well as the status of the City's Adequate Public Facilities Ordinance (APFO).

The City's 2002 *Comprehensive Master Plan* defines Rockville's Urban Growth Area (UGA), or maximum expansion area. The UGA boundary has been determined based on the 1992 Memorandum of Understanding (MOU) signed by the County Executive and the mayors of Rockville and Gaithersburg. Several land areas identified in the draft Shady Grove Plan are within Rockville's UGA, including the areas designated as Metro West, Metro South and Metro East/Old Derwood, as well as MD 355 South, the Crabbs Branch Office Industrial Park and Shady Grove Plaza.

The City's Master Plan includes general land use recommendations for areas outside the corporate limits and within the UGA boundary that for the most part reflect existing County Master Plans and zoning. This is primarily because State law stipulates that the County Council must consent to property being annexed into the City and then placed in a zone that allows substantially different land use than that specified by the County's Master Plan. In the Shady Grove area, the City's Master Plan recognizes the 2000 Shady Grove area charrette that advocated mixed-use, transit-oriented development around the Metro station, and further recommends residential, commercial and industrial land use per the existing County zoning in the remaining area.

The City's Master Plan does not contain specific recommendations for which properties should be annexed into the City, other than designating the UGA boundary. The lone exception to this has been the WMATA property at the Twinbrook Metro station, which was recommended in the Master Plan for annexation into the City because it is immediately adjacent to City neighborhoods and the Mayor and Council's desire to develop the station property entirely under the City's plans and regulations. Otherwise, the City has typically responded to recent annexation petitions on a case-by-case basis.

MAYOR
Larry Giammo

COUNCIL
Robert E. Dorsey
John F. Hall, Jr.
Susan R. Hoffmann
Anne M. Robbins

CITY MANAGER
Scott Ullery

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

Steve Silverman
March 7, 2005
Page 2

The Mayor and Council have not discussed any proactive annexation potential in the Shady Grove area, and likely would respond to any petition on its merits and benefits to the City.

Previous testimony on the draft Shady Grove Sector Plan reflected the City's concern that, while the type of development proposed at the Metro station is appropriate for its location, the increased density contained in the Planning Board draft will have significant impacts on local schools and roadways, and other public infrastructure elements. The City strongly supports the staging of development to coincide with the provision of adequate public facilities in the sector plan area. However, the City remains concerned as to whether the staging and related transportation improvements will in fact protect neighborhoods in Rockville and nearby areas from undesirable cut-through traffic and unacceptable levels of service on City streets.

The City is particularly concerned about school capacity. Given that there are two dedicated school sites in the adjacent King Farm community, the Mayor and Council strongly urge the use of these sites in the near term to meet school capacity needs. While the Plan improves the likelihood that appropriate facilities will be in place to support new development, staging elements should be considered very carefully to ensure provision of sufficient infrastructure.

The City has devoted a considerable amount of effort in developing a draft Adequate Public Facilities Ordinance (APFO). Although the City's effort to create an APFO has been dormant since late 2003, the Mayor and Council expect to bring the issue back for consideration this year.

Thank you for the opportunity to participate in the discussion on the draft Shady Grove Sector Plan. The Mayor and Council look forward to working cooperatively with you on any future discussions, and City staff is available to provide any assistance or coordination that may be necessary.

Sincerely,



Larry Giammo
Mayor

AGENDA ITEM 5&7
September 6, 2005

Worksession

MEMORANDUM

September 2, 2005

TO: County Council

FROM: Marlene L. Michaelson, Senior Legislative Analyst *MLM*
Amanda White, Council Legal Intern *AW*

SUBJECT: ZTA 05-02, Transit-Oriented, Mixed-Use Zone

The new Transit-Oriented, Mixed-Use (TOMX 2.0) Zone was introduced on January 25, 2005 and the subject of a public hearing on March 1, 2005. The Planning, Housing and Economic Development (PHED) Committee met on February 15, March 15, and June 13 to discuss this zone. The zoning text amendment with PHED Committee recommendations is attached at © 1-23. Attached on © 24-39 are the Planning Board's recommendations and the Staff report.

Committee Recommendation: The Committee supports the zone, with amendments, as an integral part of the Shady Grove Sector Plan.

BACKGROUND

The purpose of the TOMX Zone is to promote mixed use, transit and pedestrian oriented centers that include both housing and commercial uses. The zone was prepared to implement the recommendations within the Shady Grove Sector Plan, but it is not Shady Grove specific. The zone is intended for use in transit station development areas outside of Central Business Districts (CBD) and will have a standard and optional method of development. This zone can only be used on properties if it is recommended in an approved and adopted master plan or sector plan. Densities under the standard method are limited to 0.5 floor area ratio (FAR) with no specific limit on the amount of residential units per acre limit. Densities under the optional method are limited to 2.0 FAR, also with no maximum residential units per acre.

The Park and Planning Department staff report presents an analysis of why existing central business district, mixed-use, transit station and planned development zones would be

inappropriate for Shady Grove and why it was necessary to create a new zone (see © 26-39). The Committee concurs with the approach recommended for Shady Grove and recommends that the Park and Planning Department begin to consider a long-term strategy for rezoning other transit station areas and possibly eliminating some of the existing zones which do not appear to be working as intended.

A. General Testimony

The Council has received letters expressing both general support and general opposition to the TOMX zone. Eastgate Homes, the East Village community and the Montgomery Village Foundation all testified in opposition to the ZTA. However, comments focused exclusively on the zone's application in Shady Grove, the impact of higher density development in Shady Grove, whether the new development would actually create affordable housing and the potential relocation of the County Service Park activities to the Webb Tract. Staff believes that they would be equally unhappy with any alternative zoning that resulted in similar increases in density and that their comments relate more to the Sector Plan recommendation than the zone itself.

The Greater Shady Grove Civic Alliance and Mill Creek Towne Civic Association (both represented by Jim Snee) do not think that transit mixed use zones should be applied to Shady Grove because terminus points of transit lines cannot develop under the same guidelines as other transit stations. The Action Committee for Transit supports the TOMX zone and is supportive of applying Transit Oriented Development (TOD)/mixed use principles to areas like Shady Grove. They think that this zone will decrease traffic. Pam Lindstrom supports the creation of this new zone and the zone's reliance on master plan guidance.

B. Development Standards

1. Minimum Lot Area

Committee Recommendation: Support Planning Board recommended amendment to clarify that the 18,000 square feet (SF) minimum net lot area applies to the Project Plan application area and that subdivisions consistent with an approved Project Plan can create smaller lots.

The ZTA provides a minimum net lot area for the optional method of development of 18,000 SF, but does not provide a minimum for the standard option. The Council received a memorandum from the Planning Board modifying the text amendment to add language that would permit properties with a minimum net lot area of 18,000 SF to subdivide after approval of a Project Plan under the optional method. Miller & Smith and Eaken/Youngtob support the Planning Board's suggested change to make it clear that the 18,000 SF minimum applies to the application area and that subdivisions consistent with an approved site plan can create smaller lots. They recommend modifying 59-C-13.231 to read:

	TOMX-2.0	
	Standard	Optional
<u>59-C-13.231 The minimum area required for any development (in square feet): [Minimum Lot Area]</u>	<u>N/A</u>	<u>18,000</u>
<u>Provided, however, that a smaller parcel may be approved for the TOMX zone where such parcel is designated for one of these zones on an approved and adopted master plan or sector plan, the parcel is located adjacent to or confronting another parcel either classified in or under application for either zone, and the combined parcels are subject to a single project plan subject to approval or approved by the Planning Board. The required minimum area does not prohibit a lot area of less than 18,000 square feet for purposes of subdivision or record plat approval.</u>		

2. Public Use Space

Committee Recommendation: Change the public use space requirement to make it consistent with recent amendments to the central business district (CBD) zones that give the Planning Board the authority to reduce the public use space under the standard method down to 5% if the reduction is necessary to accommodate the construction of moderately priced dwelling units (MPDUs). Consistent with the recently approved ZTA, allow a reduction or elimination of public use space in the optional method to accommodate MPDUs if an equivalent amount of public use space is provided off-site in the same CBD within a reasonable time. (See lines 196-205 on ©14.)

The text amendment sets the minimum public use space at 10% for the standard method and 20% for the optional method (the same standard as the CBD zones). If MPDUs are included, the minimum public use space requirements are 5% for the standard method and 20% for the optional method. The Council received testimony from the Greater Shady Grove Civic Alliance, Mill Creek Towne Civic Association and the Montgomery County Civic Federation supporting the 20% public use space requirement for the optional method, but stating that the 10% requirement for standard method is too low unless there is also a minimum required "active and passive recreational space" for projects with a residential component. These groups also oppose a reduction to 5% in projects with MPDUs.

Staff notes that M-NCPPC's recreation guidelines require recreation for all residential development, regardless of whether the zone has a public use space requirement and therefore the need for active and passive recreation will be met, even with the lower requirement for public use space under the standard method. Regarding the public use space requirements for projects with MPDUs, the Committee recommends a consistent approach across similar zones. The recently passed amendment to the CBD zones gives the Planning Board the authority to reduce the public use space under the standard method down to 5% if the reduction is necessary to accommodate the construction of MPDUs. It does not automatically assume that all standard

method projects with MPDUs will require this reduction. That text amendment also allowed a reduction of public use space in the optional method to accommodate MPDUs "if an equivalent amount of public use space is provided off-site in the same CBD within a reasonable time." The Committee believes that the TOMX should include these provisions as well.

3. Optional Method of Development Standards for Height, Residential Density and Setbacks

Committee Recommendation: The majority supports the overall approach of allowing the master plan to set height density and setbacks, but recommends eliminating "NA" under the optional method column since height and setbacks will be set in the master plan or project plan and NA indicates they are not applicable. Councilmember Praisner preferred that the height, density, and setbacks be included in the zone.

The zoning text amendment does not establish height limits, maximum numbers of residential units or setbacks in the optional method and instead relies on the master plan and project plan to establish these limits. Although there are distinct issues associated with height, number of units and setbacks, the threshold question of whether the zone should include limits is the same for these issues. Groups including the Greater Shady Grove Civic Alliance, Mill Creek Towne Civic Association (both represented by Jim Snee) and the Montgomery County Civic Federation all recommend establishing limits in the zone. The Council received testimony from Pam Lindstrom expressing her agreement with the way the zone relies on the master plan for setting exact uses and density and height of buildings.

Although the zone does not include height limits, maximum numbers of residential units or setbacks for the optional method of development, it does require that height and setback be established during project plan review. The zone states:

The maximum building height permitted for any building and the minimum building setback requirements must be determined in the process of project plan review. In approving height limits or setback requirements, the Planning Board must take into consideration the size of the lot or parcel, the relationship of existing and proposed buildings to surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties, and any other factors relevant to the height or setback of the building. The proposed building height and the proposed setbacks must conform to the approved and adopted master plan or sector plan.

This zone uses both the master plan and project plan process as the vehicles for establishing site specific limits on height, number of units and setback allowing for a more individualized, property-by-property approach. In the Shady Grove Sector Plan, every property zoned TOMX has recommendations for the number of units per acre or total number of units and specific height limits (as well as recommendations to vary the height within properties to ensure compatibility with surrounding buildings/uses). If the same careful attention to this issue is provided in each master plan or project plan, the majority believes this approach will provide far more guidance than a zone which applies a single standard across all properties.

While it would be possible to provide upper limits in the zone for height or number of units, these limits would have to be set at the highest possible number in any TOMX-2 project (rather than at the recommended level in Shady Grove. One disadvantage of setting a limit is that it not only sets maximum units or feet allowed, but can also provide the expectation that a property owner is entitled to achieve the maximum and that any master plan recommendation for lower amounts is taking from the owner what is allowed by the zone. This argument has frequently been used to criticize the height limits included in central business district master plans.

As a minor technical correction the Committee recommended deleting the N/A next to maximum building coverage, maximum building heights, and minimum setbacks on in the development standards chart under optional method on ©13. The Committee recommended these should be set in the master plan or project plan and the zone should not imply that a standard is not applicable. Councilmember Praisner preferred that the height, density, and setback requirements be included in the zone rather than being set in the master plan or project plan. She felt it was necessary to have clear upper limits that could not be exceeded.

4. Number of Residential Units/Mix of Units

Committee Recommendation: See number 3 above. Allow transfer of commercial and residential development capacity between properties.

The zoning text amendment establishes the maximum density of development for the standard method at 0.5 FAR and the maximum for the optional method at 2.0 FAR. The ZTA does not specify a maximum number of residential dwelling units per acre density. The Greater Shady Grove Civic Alliance, Mill Creek Towne Civic Association and the Montgomery County Civic Federation all recommend establishing a maximum number of dwelling units per acre density for standard and optional methods. The Council received testimony from Pam Lindstrom expressing her agreement with the way the zone relies on the master plan for setting exact uses, density and height of buildings. The majority supports the approach in the zone. Councilmember Praisner believes there should be a limit on the maximum number of residential units in the zone.

The Council also received testimony from Montgomery County Teacher's Federal Credit Union expressing their objection to the requirements of the zone to comply with the mix of units in the master plan. In summary, their ability to expand commercial uses on site would be extremely limited due to language in the Sector Plan which requires a mix of no more than 30% commercial development and at least 70% residential development. The Committee recommends amending the TOMX zone to allow owners to transfer commercial and residential capacity (see lines 300-316 on © 18).

5. Maximum Building Heights

Committee Recommendation: See number 3 above. The Committee does not believe that building height should be limited due to fire safety issues.

The zoning text amendment sets the maximum building heights at 50 feet for the standard method, but does not specify a maximum for the optional method. If a building is adjoining or directly across the street from land that is recommended for or developed in a residential zone with a maximum of 15 dwelling units per acre or less, the zone sets the maximum building height for the standard method at 35 feet, but again does not specify a height under the optional method. The Council received testimony from the Greater Shady Grove Civic Alliance, Mill Creek Towne Civic Association and the Montgomery County Civic Federation and all are concerned that building height can exceed the heights that fire and rescue can reach (about 125 feet). Therefore, the Greater Shady Grove Civic Alliance, and Mill Creek Towne Civic Association recommend limiting building height to 125 feet. As noted earlier, Pam Lindstrom expressed her agreement with the way the zone relies on the master plan for setting exact uses and density and height of buildings.

Regarding the fire safety issues, the Montgomery County Fire and Rescue Service (MCFRS) does not believe that there is any need to limit building height as a fire safety matter. There are hundreds of buildings in the County that are taller than 125 feet, especially in Silver Spring and Bethesda, and MCFRS believes they are able to provide appropriate service to them. Fire ladders are frequently not able to reach affected areas for reasons other than height (e.g., the need to cross a parking lot), so other means of handling fires must be in place. They further note that buildings over five stories tall are protected by features required under the fire code, such as standpipes in stairwells with water connections at each floor, sprinkler systems, pressurized stairwells, and stringent egress requirements.

6. Minimum Setbacks.

Committee Recommendation: See #3 above.

The text amendment requirements for setbacks can be found on © 13-14. The standard method sets forth specific setbacks depending on the adjacent use. The optional method does not specify a setback, leaving it to the master plan and project plan. The Council received testimony from the Greater Shady Grove Civic Alliance, Mill Creek Towne Civic Association and the Montgomery County Civic Federation all recommending specifying a minimum required setback from any adjacent single-family residential zone for optional method development.

7. Floor Area Ratio

Committee Recommendation: Support the FAR limits in the zone.

The Council received correspondence suggesting that the 2.0 FAR was too low for an area next to Metro. Planning staff indicate that they plan to introduce other versions of the

TOMX zone with higher FARs to use in other locations but believe that a 2.0 FAR is appropriate for Shady Grove.

C. Permitted Uses

Committee Recommendation: Support the Screening Committee and Planning Board's recommendation to change the use charts to be consistent with use charts in the Zoning Ordinance (e.g., a hotel should be listed as a residential use not a commercial use). In addition, Group Day Care and Child Day Care should be a permitted use instead of a Special Exception; advanced technology and biotechnology research and development uses should be added to the use table; and office, professional including banks and financial institutions should not exclude drive-in banks as a permitted use.

The majority recommends adding language to the zone indicating that public storage companies are permitted in the TOMX Zone only when recommended in a sector or master plan. The majority also recommends the Shady Grove Sector Plan limit the public storage company to its present site in Metro West and limit the density to 0.75 FAR. Councilmember Praisner prefers residential units on the site.

The zoning text amendment's permitted and special exception uses are laid out on © 10-12. The Council received a memorandum from the Planning Board revising the text amendment to include the following permitted uses: Group Day Care and Child Day Care should be a permitted use instead of a Special Exception; advanced technology and biotechnology research and development uses should be added to the use table; and office, professional including banks and financial institutions should include drive-in banks as a permitted use.

The Council had received testimony from Montgomery County Teachers Federal Credit Union expressing their concern that while the credit union would be a permitted use under "banks," its approved drive-through service may not be permitted; it appears that the Planning Board's recommendation would address their concern. Additionally, the Greater Shady Grove Civic Alliance, Mill Creek Towne Civic Association and the Montgomery County Civic Federation are concerned that the zone would permit light manufacturing as an approved use alongside residential. Pam Lindstrom agreed with the basics in the zone, especially the way it relies on the master plan for setting exact uses, density, and heights of buildings.

The zone only allows light manufacturing associated with technology and biotechnology uses (see © 12).

The Council received testimony from the owners of a public storage company in Shady Grove expressing concern that under the zone, the use of their property would become nonconforming. In response, the majority recommended the zone be amended to allow public storage companies to be permitted in the zone when it is recommended in a master or sector plan. However, the majority also recommended that the Shady Grove Sector Plan limit the public storage company to its present site and limit the density to 0.75 FAR. Councilmember Praisner preferred the site have residential units.

D. Grandfathering Provision

Committee Recommendation: Revise the grandfathering provision to delete the provision that existing structures or uses would only be conforming for 7 years and instead allow existing structures, buildings or uses to continue as conforming indefinitely and to be enlarged up to 10 percent of the gross building area or 7,500 square feet, whichever is less.

The grandfathering requirement is outlined on © 18-19 (lines 318-348). Under the TOMX zone as introduced, an existing building can be altered, repaired, reconstructed, or enlarged for 7 years after it is rezoned to the TOMX zone. After this 7 year period, the structure would be deemed non-conforming. The Council received testimony from Montgomery County Teachers Federal Credit Union expressing their concern that after the 7 year period, their building will be non-conforming. They are especially concerned that after 7 years, the current commercial development potential will be lost. They think that this section should be substantially revised.

The Screening Committee recommend revising this section to make this grandfathering provision consistent with others in the Zoning Ordinance by making any existing structure a conforming use which may be enlarged up to 10 percent of the gross building area or 7,500 square feet, whichever is less. Any expansion beyond that amount must comply with the standards of the TOMX zone.

E. Pedestrian Crossing Signals

Committee Recommendation: Delete language that refers to crossing signals, since this is not an issue that should be addressed in the Zoning Ordinance.

The text amendment as introduced provides certain streetscape requirements, one of which is to “enhance crosswalk areas with accessible curb ramps and crossing signals” unless prohibited by the Department of Public Works and Transportation. (See © 17, lines 268-271). The Planning Board modified the text amendment to eliminate the phrase “and crossing signals” from the streetscape requirements. The Council received testimony from Miller & Smith and Eakin/Youngentob supporting this change. Since cross signals are operational issues which should not be dealt with in the Zoning Ordinance, the Committee concurs.

F. Mechanical Equipment Screening Provisions

Committee Recommendation: Exempt single-family homes from requirement to locate mechanical equipment within buildings or within a mechanical equipment penthouse.

The zoning text amendment’s Site Design Guidelines, located on © 16 lines 252-257, require designs to “[l]ocate mechanical equipment within buildings or within a mechanical equipment penthouse. If mechanical equipment is located on a roof or is freestanding, it must be effectively screened.” Miller & Smith and Eakin/Youngentob recommend that this requirement not apply to townhouses or single-family detached residences in order to provide flexibility. The

Committee concurs with this request. The Action Committee for Transit endorses the Site Design Guidelines of the ZTA that encourage pedestrian activity and better access to transit.

G. Parking

Committee Recommendation: Direct Park and Planning Department staff to study potential changes to parking requirements in transit station zones.

The Council received testimony from East Village expressing their concern about the increase in density because it is unclear where the new residents are going to park. Pam Lindstrom thinks that the parking requirements are too high. She states that reducing them will have many benefits, including making construction more affordable and less traffic in the area. She suggests that more parking go underground so there would be fewer unattractive garages and more green space would be available.

The Committee agrees that it would be appropriate to reconsider whether parking standards should be changed for properties near transit stations. The Zoning Ordinance allows for reductions in parking requirements for properties in CBDs or transit station development areas and further credits for properties located within 1,600 feet of a Metro entrance. It is unclear whether this credit is requested by the property owner or whether a reduction can be mandated by the Planning Board. It may also be appropriate timing to reconsider whether the 10-15% reductions in parking requirements are sufficient or whether a more significant reduction can be required. The Committee recommends that the Council ask Park and Planning Department staff to further study this issue.

Zoning Text Amendment No: 05-02
Concerning: A new Transit-Oriented Mixed
Use Zone
Draft No. & Date: 6 – 08/31/05
Introduced: January 25, 2005
Public Hearing: March 1, 2005; 7:30 p.m.
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing [[a]] new Transit Oriented Mixed-Use Zones; amending
- the definition of “transit station development area”; and making plain language,
stylistic and consistency modifications to Articles D and E to accommodate the
TOMX Zones

By amending the following section of the Montgomery County Zoning
Ordinance, Chapter 59 of the Montgomery County Code:

<u>DIVISION 59-A-2</u>	<u>“DEFINITIONS AND INTERPRETATION”</u>
<u>Section 59-A-2.1</u>	<u>“Definitions”</u>

Add a new Section:

<u>DIVISION 59-C-13</u>	<u>“TRANSIT ORIENTED, MIXED-USE ZONES (TOMX)”</u>
<u>ARTICLE 59-D</u>	<u>“ZONING DISTRICTS—APPROVAL</u> <u>PROCEDURES “</u>
<u>ARTICLE 59-E</u>	<u>“OFF-STREET PARKING AND LOADING.”</u>

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
*Underlining indicates text that is added to existing laws
by the original text amendment.*
*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*
*Double underlining indicates text that is added to the text
amendment by amendment.*
***[[Double boldface brackets]]** indicate text that is deleted*

from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-A-2 is amended as follows:**

2 **DIVISION 59-A.2. DEFINITIONS AND INTERPRETATION.**

3 **59-A-2.1. Definitions.**

4 * * *

5 **Transit station development area:** An area near a metro transit station, or
6 along an existing or proposed transit right-of-way, which is not located
7 within a central business district, which has been designated as a transit
8 station development area by an approved and adopted master plan or sector
9 plan.

10
11 **Sec. ~~[[1]]2~~ DIVISION 59-C-13 is amended as follows:**

12
13 **DIVISION 59-C-13 ~~[RESERVED]~~ TRANSIT ORIENTED, MIXED-USE**
14 **ZONES (TOMX)**

15
16 **Sec. 59-C-13.1. Zones established.**

17
18 **59-C-13.11 Zones permitted.**

19
20 These zones are permitted in transit station development areas as
21 defined in Section 59-A-2.1~~[[~~, along the Metro Rail Lines and other
22 transitways ~~]]~~.

23
24 TOMX-2.0

Sec. 59-C-13.2. Provisions of the Transit Oriented, Mixed Use Zones.

59-C-13.21. Description, purpose, intent and general requirements

59-C-13.211. Description. Each Transit Oriented, Mixed Use Zone is intended to be shown on a master plan or sector plan. The TOMX Zones ~~[[is]]~~ are a continuum of euclidean zones with increasing densities permitted. The zones provide~~[[s]]~~ incentives to redevelop transit areas into distinct and compact mixed-use centers for housing and employment opportunities and include~~[[s]]~~ public use space and appropriate public facilities and amenities.

The TOMX 2.0 Zone is intended for medium density development adjacent to transit station development areas, as defined in Section 59-A-2.1. ~~[[use adjacent to transit stations located outside Central Business Districts.]]~~

59-C-13.212. Intent. The intent of the TOMX Zones is to ~~[[promote]]~~ provide mixed use, transit and pedestrian oriented centers that include housing, ~~[[and]]~~ commercial, biotechnology and research and development uses. ~~[[This]]~~ These zones ~~[[is]]~~ are intended to foster development by permitting an increase in density and height when such an increase conforms to master plan or sector plan recommendations. ~~[[for use in transit station development areas, as defined in Section 59-A-2.1, outside of the Central Business Districts.]]~~ Land shall be classified in any transit oriented, mixed-use zone only if it is recommended in an approved and adopted master plan or sector plan. ~~[[The TOMX Zones should achieve a~~

development pattern that encourages pedestrian activity and access, promotes use of transit, and creates a coherent arrangement of buildings and uses that contribute to a sense of place. This zone will foster development in accordance with an adopted and approved master or sector plan, by permitting an increase in density, height, and intensity where the increase conforms to the master plan or sector plan. These]] The TOMX zones are intended to accomplish the following:

(a) [[To promote mixed use, transit oriented development of residential, office, commercial, advance technology and research, and retail uses at various scales and designed in a manner that defines streets and creates a strong sense of place.]]
To create mixed use transit oriented development with an interconnected street system defined by buildings, open spaces, public facilities and amenities that are arranged to create a setting for community life.

(b) [[To achieve a compatible mix of uses that promotes street activities, provides convenience for residents and employees.]]
To provide incentives and flexible development standards for mixed-use, transit and pedestrian oriented development that create a compatible network of interconnecting streets, open squares, plazas, defined streetscapes, and civic and community oriented uses as recommended in applicable master and sector plans.

(c) [[To create a pedestrian oriented environment with an interconnected street system that is defined by buildings, open spaces and community facilities, and improves access to transit stations from surrounding communities.]] To encourage land assembly in a compact and efficient form that achieves a compatible mix of uses in accordance with the approved and adopted master plan and sector plan.

[[(d) To provide incentives and flexible standards for mixed-use, transit and pedestrian oriented development that fosters a sense of community with a distinct character.]]

[[(e) To encourage land assembly in a compact and efficient form in accordance with the approved and adopted master plan and sector plan.]]

(~~[[f]]~~d) To provide housing, including affordable housing, near transit station~~[[s]]~~development areas.

(~~[[g]]~~e) To encourage Leadership in Energy and Environmental Design (LEED) standards for sustainable and efficient design.

(f) To improve access within the mixed use transit station development areas as well as from the surrounding communities.

59-C-13.213. Additional intent of the TOMX 2.0 Zone.

The intent of the TOMX 2.0 Zone is to provide a mixed use, transit-oriented center that includes housing and commercial uses. The intent of this zone is to promote medium density residential and commercial development at transit station development areas, as described in Section 59-A-2.1. This zone provides incentives to redevelop areas adjacent to transit and multi-modal stations into distinct and compact mixed-use development for employment, living opportunities, and appropriate public facilities and amenities. Development in this zone must create a network of interconnecting streets, open squares and plazas, defined streetscapes, and civic and community-oriented uses as recommended in applicable master and sector plans.]]

59-C-13.214. Location. Land classified in the TOMX 2.0 Zone must be located in transit station development areas as defined in Section 59-A-2.1.]]adjacent to an existing or proposed transit station located along the Metro Rail lines and other transitways.]]

59-C-13.215. Methods of development and approval procedures.

Two methods of development are available in this zoning category.

- (a) **Standard Method of Development:** The standard method requires compliance with a specific set of development standards and permits a range of uses and a density compatible with these standards. If residential uses are included in a development, moderately priced dwelling units must be

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provided in accordance with Chapter 25A. The maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site. Site plans must be approved in accordance with section 59-D-3.

- (b) **Optional Method of Development:** The Optional Method of Development promotes additional densities, and supports innovative design and building technologies to create a pedestrian-oriented and mixed-use development pattern. Approval of the Optional Method of Development is dependent on providing [[sufficient]] required public amenities and facilities. The public facilities and amenities are intended to support the additional densities permitted under the Optional Method of Development. The procedure for the approval of the Optional Method of Development is set forth in Section 59-D-2. Site plans must be approved in accordance with Section 59-D-3. If residential uses are included in a development, moderately priced dwelling units must be provided in accordance with Chapter 25A. The maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site.

59-C-13.22. Land uses.

No use is allowed except as indicated in the following table:

= **Permitted Uses.** The letter "P" in the appropriate column indicates the zones in which each use is permitted, subject to all applicable regulations under the Standard Method or the Optional Method of Development.

= **Special Exception Uses.** The letters "SE" in the appropriate column indicate the zones in which each use may be authorized as a special exception, in accordance with Article 59-G, under the Standard or the Optional Method of Development respectively. Special exception uses in a development under the optional method are subject to approval by both the Planning Board and the Board of Appeals.

		<u>TOMX 2.0</u>	
		<u>Standard</u>	<u>Optional</u>
<u>(a) Residential:</u>			
	<u>Dwellings</u>	<u>P</u>	<u>P</u>
	<u>Group home, small</u>	<u>P</u>	<u>P</u>
	<u>Group home, large</u>	<u>P</u>	<u>P</u>
	<u>Hotel or motel</u>	<u>P</u>	<u>P</u>
	<u>Housing and related facilities for senior adults [[and]] or persons with disabilities</u>	<u>P</u>	<u>P</u>
	<u>Life care facility</u>	<u>P</u>	<u>P</u>
	<u>Personal living quarters</u>	<u>P</u>	<u>P</u>
<u>(b) Transportation, communication and utilities:</u>			
	<u>Public utility buildings, structures and underground facilities</u>	<u>P</u>	<u>P</u>
	<u>Radio and television broadcasting studio</u>	<u>P</u>	<u>P</u>
	<u>Rooftop mounted antennas and related unmanned equipment building, equipment cabinet or equipment room</u>	<u>P</u>	<u>P</u>
	<u>Taxicab stand, not including storage while not in use</u>	<u>P</u>	<u>P</u>
<u>(c) Commercial office and retail:</u>			
	<u>Antique [[stores]] shops, handicrafts or art sales and supplies</u>	<u>P</u>	<u>P</u>
	<u>Book store</u>	<u>P</u>	<u>P</u>

<u>Eating and drinking establishment, excluding drive-in</u>	<u>P</u>	<u>P</u>
<u>Drug store</u>	<u>P</u>	<u>P</u>
<u>Florist shop</u>	<u>P</u>	<u>P</u>
<u>Food and beverage store</u>	<u>P</u>	<u>P</u>
<u>Furniture store, carpet or related furnishing sales or service</u>	<u>P</u>	<u>P</u>
<u>Gift shop</u>	<u>P</u>	<u>P</u>
<u>Grocery store</u>	<u>P</u>	<u>P</u>
<u>[[Hotel]]Hardware store</u>	<u>P</u>	<u>P</u>
<u>Office supply store</u>	<u>P</u>	<u>P</u>
<u>Office, general</u>	<u>P</u>	<u>P</u>
<u>Office, professional including banks and financial institutions (excluding check cashing stores [[and drive-in banks]])</u>	<u>P</u>	<u>P</u>
<u>Offices for companies principally engaged in health services, research and development</u>	<u>P</u>	<u>P</u>
<u>Newsstand</u>	<u>P</u>	<u>P</u>
<u>Photographic supply store</u>	<u>P</u>	<u>P</u>
<u>Pet sales and supply store</u>	<u>P</u>	<u>P</u>
<u>Specialty shop</u>	<u>P</u>	<u>P</u>
(d) Services:		
<u>Adult foster care homes</u>	<u>P</u>	<u>P</u>
<u>Ambulance or rescue squad, publicly supported</u>	<u>P</u>	<u>P</u>
<u>Animal boarding place</u>	<u>SE</u>	<u>SE</u>
<u>Art, music and photographic studios</u>	<u>P</u>	<u>P</u>
<u>Automobile filling station</u>	<u>SE</u>	<u>SE</u>
<u>Automobile rental services, excluding automobile storage and supplies</u>	<u>P</u>	<u>P</u>
<u>Barber and beauty shops</u>	<u>P</u>	<u>P</u>
<u>Charitable and philanthropic institutions</u>	<u>P</u>	<u>P</u>
<u>Clinic</u>	<u>P</u>	<u>P</u>
<u>Child daycare facility:</u>		
- <u>Family day care</u>	<u>P</u>	<u>P</u>
- <u>Group day care</u>	<u>[[SE]]P</u>	<u>[[SE]]P</u>
- <u>Child day care center</u>	<u>[[SE]]P</u>	<u>[[SE]]P</u>
<u>Daycare facility for not more than 4 senior adults and persons with disabilities</u>	<u>P</u>	<u>P</u>
<u>Domiciliary care for no more than 16 senior adults</u>	<u>P</u>	<u>P</u>
<u>Dry cleaning and laundry pick-up station</u>	<u>P</u>	<u>P</u>
<u>Duplicating services</u>	<u>P</u>	<u>P</u>
<u>Educational, private institution</u>	<u>P</u>	<u>P</u>
<u>Home occupation, no impact</u>	<u>P</u>	<u>P</u>
<u>Home occupation, registered</u>	<u>P</u>	<u>P</u>
<u>Home occupation, major</u>	<u>SE</u>	<u>SE</u>
<u>Hospice care facility</u>	<u>P</u>	<u>P</u>

<u>Hospitals, veterinary</u>	<u>SE</u>	<u>SE</u>
<u>International public organization</u>	<u>P</u>	<u>P</u>
<u>Place of religious worship</u>	<u>P</u>	<u>P</u>
<u>Publicly owned or publicly operated uses</u>	<u>P</u>	<u>P</u>
<u>Self storage</u>		<u>P¹</u>
<u>Shoe repair shop</u>	<u>P</u>	<u>P</u>
<u>Tailoring or dressmaking shops</u>	<u>P</u>	<u>P</u>
<u>Universities and colleges providing teaching and research facilities</u>	<u>P</u>	<u>P</u>
(e) <u>[[Advanced Technology]] Research and Development and Biotechnology:</u>		
<u>Laboratories</u>	<u>P</u>	<u>P</u>
<u>[[Nanotechnology research and development]] Advanced Technology and Biotechnology</u>	<u>P</u>	<u>P</u>
<u>Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development</u>	<u>P</u>	<u>P</u>
<u>Manufacturing and assembly of medical, scientific or technical instruments, devices and equipment</u>	<u>P</u>	<u>P</u>
<u>Research, development and related activities</u>	<u>P</u>	<u>P</u>
(f) <u>Cultural, entertainment and recreational:</u>		
<u>Auditoriums or convention halls</u>	<u>P</u>	<u>P</u>
<u>Billiard parlor</u>	<u>P</u>	<u>P</u>
<u>Bowling alley</u>	<u>P</u>	<u>P</u>
<u>Health clubs and gyms</u>	<u>P</u>	<u>P</u>
<u>Libraries and museums</u>	<u>P</u>	<u>P</u>
<u>Park and playgrounds</u>	<u>P</u>	<u>P</u>
<u>Private clubs and service organizations</u>	<u>SE</u>	<u>[[SE]] P</u>
<u>Recreational or entertainment establishments, commercial</u>	<u>P</u>	<u>P</u>
<u>Theaters, indoor</u>	<u>P</u>	<u>P</u>

1 Only if recommended in the applicable master plan or sector plan and limited to a maximum FAR of .75.

59-C-13.23. Development standards.

The development standards applicable to the Standard Method and Optional Method of Development are set forth in this section. In addition to the

requirements specified in this table, all Optional Method of Development projects must be consistent with the guidelines established in the applicable master plan or sector plan.

	TOMX 2.0	
	Standard	Optional
59-C-13.231. <u>[[Minimum Net Lot Area]] The minimum net lot area required for any development (in square feet):</u> <u>Provided, however, that a smaller lot may be approved for the TOMX zones where such lot is designated for one of these zones on an approved and adopted master plan or sector plan, the lot is located adjacent to or confronting another lot either classified in or under application for either zone, and the combined lots are subject to a single project plan subject to approval or approved by the Planning Board. The required minimum area does not prohibit a lot of less than 18,000 square feet for purposes of subdivision or record plat approval.</u>	<u>[[NA]]</u>	<u>18,000</u>
59-C-13.232. <u>Maximum Building Coverage (percent of net lot area):</u>	<u>75</u>	<u>[[NA]]</u>
59-C-13.233. <u>Minimum Public Use Space (percent of net lot area):</u> <u>[[- If moderately priced dwelling units are included.</u>	<u>10^{***}</u> <u>5</u>	<u>20^{****}</u> <u>20]]</u>
59-C-13.234. <u>Maximum Density of Development*</u>	<u>FAR 0.5</u>	<u>FAR 2.0</u>
59-C-11.235. <u>Maximum Building Heights:</u> <u>- If adjoining or directly across the street from land which is recommended for or developed in a residential zone with a maximum of 15 dwelling units per acre or less</u>	<u>50 feet</u> <u>35 feet</u>	<u>[[NA]]</u> <u>[[NA]]</u>
59-C-13.236. <u>Minimum Setbacks:</u> <u>- From an adjacent TOMX Zone**</u> <u>- From an adjacent commercial or industrial zone</u> <u>- From an adjacent single family residential zone</u> <u>- From a public right-of-way</u>	<u>15 feet</u> <u>20 feet</u> <u>25 feet</u> <u>10 feet</u>	<u>[[NA]]</u> <u>[[NA]]</u> <u>[[NA]]</u> <u>[[15 feet from curbs]]</u>

* The maximum [[residential]] dwelling unit density or residential (FAR) may be increased in proportion to [[the amount of the]] any MPDU density bonus [[permitted]] provided on-site.

****** If the proposed building or the adjacent building has windows or apertures facing the lot line that provide light, access or ventilation to a habitable space the setback shall be 15 feet. If the adjacent building does not have windows or apertures no setback is required.

******* The required standard method public use space may be reduced to 5% if the Planning Board finds that the reduction is necessary to accommodate the construction of MPDUs, including any bonus density units, on-site.

******** The required optional method public use space may be reduced or eliminated to accommodate the construction of MPDUs, including any bonus density units, on-site, if an equivalent amount of public use space is provided off-site in the same transit station development area within a reasonable time.

59-C-13.237. Special standards and guidelines for Standard Method and Optional Method of Development projects.

(a) Public use space, amenities and facilities: The mixed-use character of the Transit Oriented, Mixed Use Zones requires significant public amenities to create a transit and pedestrian-oriented [[and]] mixed-use environment.

Public amenities and facilities are not limited to the definition in Section 59-A, but also include: pocket and urban parks, town squares, public plazas and water features, wide sidewalk areas, bus shelters, benches, special street lighting and paving, construction and enhancement of pedestrian tunnels and bridges, public art, landscaping of public areas, and improvements to pedestrian access to transit stations. Public amenities do not include road improvements or other capital projects that are required to provide adequate facilities in a timely basis to serve the property.

All public amenities [[should]] must be in locations that are accessible [[and welcoming]] to the public. The location, type and nature of the public amenities must be shown on any project plan and site plan as required by Section 59-D-3 and Section 59-D-2.

(b) Site [[Design]] Plan Guidelines for the Optional and Standard Method of Development:

- Orient all buildings to streets, which will encourage pedestrian-oriented development.
- Locate off-street parking to the side, rear or below grade if feasible.
- Create a continuous building line with varied facade setbacks to accentuate open space and building entrances.
- Blank building facades should be avoided.

- Increase public safety and activity at street level with activating uses such as storefront retail, residential entrances, office lobbies, and restaurants.
 - Provide continuous, direct and convenient pedestrian and bicyclist pathways, and connections to transit stations.
 - [[Ensure]] Promote pedestrian safety with clearly designated crosswalks and sidewalks, and include street trees and landscaping on all streets.
 - Screen and locate service and loading areas to reduce visibility from any street.
 - Locate mechanical equipment within buildings or within a mechanical equipment penthouse. If mechanical equipment is located on a roof or is freestanding, it must be effectively screened. The provisions of this guideline do not apply in the case of one-family residential development.
- (c) Site Plan Streetscape Guidelines:
- Provide street lighting designed to avoid an adverse impact on surrounding uses, while also providing a sufficient level of illumination for access and security.
 - Provide a canopy of closely spaced street trees along each street.
 - Provide street furniture such as benches, trash receptacles and planters.

= Enhance crosswalk areas with accessible curb ramps
[[and crossing signals]] unless prohibited by the
[[Director]] Department of Public Works and
Transportation.

59-C-13.2371. Off-street parking. Required off-street parking must
be provided pursuant to Article 59-E and off-street parking spaces for
mixed-use projects must be provided pursuant to Sec. 59-E-3.1.

59-C-13.238. Special standards for the Optional Method of
Development.

(a) **Density and mix of uses:** In approving the mix of uses and the
proposed densities, the Planning Board [[shall]] must consider
the size of the parcel, and the relationship of the existing and
proposed building or buildings to the surrounding uses. The
mix of uses and the proposed densities must conform to the
approved and adopted master plan or sector plan.

(b) **Building height and setbacks:** The maximum building height
permitted for any building [[shall]] and the minimum building
setback requirements must be determined in the process of
project plan review. In approving height limits or setback
requirements, the Planning Board [[shall]] must take into
consideration the size of the lot or parcel, the relationship of
existing and proposed buildings to surrounding uses, the need
to preserve light and air for the residents of the development

and residents of surrounding properties, and any other factors relevant to the height or setback of the building. The proposed building height and the proposed setbacks must conform to the approved and adopted master plan or sector plan.

- (c) **Transfer of public use space, [[and]] density and mix of uses:** The Planning Board may approve [[T]]the transfer of public use space, [[and]] density and any mix of uses between lots within the same transit station development area [[is permitted]]. The transfer of density [[should]] must be located [[toward the transit station and]] away from the boundaries of the transit station development areas when the boundaries abut or confront either one-family residential development or properties recommended for one-family residential development in the approved and adopted master plan or sector plan. Any transfer of public use space and density and any mix of uses must be determined through the combined densities and use mixes of all properties involved in the density transfers, must conform to the approved and adopted master plan or sector plan and must be approved as part of a combined project plan [[and site plan]] for all relevant parcels in accordance with the provisions in Section 59-D-2 and Section 59-D-3.

59-C-13.239. Existing buildings and uses [[and building permits.

- (a) Any existing structure or established use for which a building permit was issued prior to the reclassification of land to the

TOMX Zone must not be regarded as a nonconforming structure or use and will not be subject to the provisions of Section 59-G-4.1, et. Seq. for a period of seven years.

(b) For seven years after the reclassification, such structure or use may be altered, repaired, reconstructed or enlarged in conformance with the development standards in the zone in effect prior to the reclassification. Any enlargement in excess of 10% of the gross floor area will require approval of a site plan in accordance with Section 59-D-3.

(c) After seven years, such a structure or use would be nonconforming and any change in the structure or use thereafter must be in conformance with the provisions of Section 59-G-4.1, et. Seq.

(d) Notwithstanding any language in this subsection, any existing structure or use may be altered, repaired, reconstructed or enlarged in conformance with the development standards of the TOMX Zone prior to expiration of the seven year period.]]

Any lawful structure, [[or]] building or established use that existed before the applicable Sectional Map Amendment adoption date, is a conforming structure or use and may be continued, structurally altered, repaired, renovated or enlarged up to 10 percent of the gross building floor area or 7,500 square feet, whichever is less. However, any enlargement of the building that is more than 10 percent of the gross floor area or 7,500 square feet, whichever is less, or construction of a new building must comply with the standards of the TOMX zones.

Sec. 3. Article 59-D is amended as follows:

**ARTICLE 59-D. ZONING DISTRICTS—APPROVAL
PROCEDURES.**

INTRODUCTION

- (a) In certain zones, the developer must submit plans for approval, and development must be consistent with the approved plans. Article 59-C indicates under each zone which, if any, of these plans are required. These plans are of 4 kinds, as follows:

* * *

- (2) **Project plan for optional method of development.** This type of plan applies [[only]] in the 6 “CBD” zones, the RMX zones and the TOMX zones. It is similar to a development plan, except that it is not a requirement for the approval of a rezoning application but a precondition for the use of the optional method of development. (See [d]Division 59-D-2.)

* * *

The following table is provided for the convenience of the public, citing the appropriate sections of Article 59-C and indicating the type of plans required in each zone. In the event of any conflict between this table and the provisions of Article 59-C, the latter must govern.

Plan Approvals Required

Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
* * *					
<i>Standard Method</i>					
* * *					
<u>TOMX 2.0</u>				<u>X</u>	
<i>Optional Method</i>					
* * *					
<u>TOMX 2.0</u>			<u>X</u>	<u>X</u>	

DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD ZONES, [[AND]] RMX ZONES AND TOMX ZONES.

59-D-2.0 Zones enumerated.

The Planning Board is authorized to approve development under the optional method of development procedures described in Section 59-C-6.2 of the CBD zones, Section 59-C-10 of the RMX Zones, [[and]] Section 59-C-13 of the TOMX Zones and the approval procedure set forth in this Division, for the following zones:

* * *

TOMX-2--Transit Oriented Mixed-Use, 2.0

* * *

389 **DIVISION 59-D-3. SITE PLAN.**

390 * * *

391 **Sec. 59-D-3.1. Requirements.**

392 The site plan must be filed with the Planning Board; it may cover all or any
393 part of a lot or tract, and must meet the following requirements:

394 * * *

395 (c) If the site plan is for the optional method of development in a
396 CBD Zone, RMX Zone or TOMX Zone, it must be consistent
397 with a project plan approved under Division 59-D-2.

398 * * *

399

400 **Sec. 4. Article 59-E is amended as follows:**

401

402 **ARTICLE 59-E. OFF-STREET PARKING AND LOADING.**

403 * * *

404 **Sec. 59-E-3.7. Schedule of requirements.**

405

406 Off-street parking must be provided as follows:

407 * * *

408 **Dwelling, multiple-family.** For each dwelling unit with no separate
409 bedroom, one space; for each dwelling unit with one separate bedroom, 1
410 1/4 spaces; for each dwelling unit with 2 separate bedrooms, 1 1/2 spaces;
411 for each dwelling unit with 3 or more separate bedrooms, 2 spaces. The
412 base requirement may be reduced in accordance with the credit provisions of
413 Section 59-E-3.33. Not more than 50 percent of the total area of the
414 minimum required side and rear yards shall be occupied by parking spaces,

drives, access roads to, from and between such spaces, turn-arounds or other surfaces designed for vehicular use, and no parking spaces or vehicular uses, except entrance drives, shall be located within the minimum required front yard. (See R-H zone for controlling provisions in that zone on parking in yards.) In the R-10 and R-H zones, TOMX Zones, the TSM and TSR zones, and the CBD zones in Section 59-C-6.2, the requirement for each moderately priced dwelling unit, as defined in Chapter 25A of this Code, shall be one-half the number of spaces indicated above.

Sec. ~~[[2]]~~5. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

~~[[Elda M. Dodson, CMC]]~~ Linda M. Lauer
~~[[Acting]]~~ Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MONTGOMERY COUNTY PLANNING BOARD

February 25, 2005

TO: The County Council for Montgomery County, Maryland, sitting as
the District Council for the Maryland-Washington Regional District
in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Planning Board Opinion on Zoning Text Amendment 05-02.

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Text Amendment No.05-02 at its regular meeting on Thursday, February 24, 2005. By a vote of 4-1, the Board recommended that the text amendment be approved as modified and described herein.

The zoning text amendment proposes to establish a Transit Oriented Mixed Use Zone (TOMX 2.0) to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan. Previously, the Planning Board reviewed this text amendment on January 27, 2005 and forwarded it to the County Council. Subsequent to its introduction, the Council has requested that the Board address workforce housing and Transfer Development Rights (TDR's) for inclusion in the proposed text amendment.

The Board strongly supports increasing the supply of workforce housing. However, the Board does not believe that workforce housing can be required in the zoning text amendment at this time, because the County has yet to create a formal workforce housing program. It is our understanding that DHCA will study creation of such a program. We welcome that initiative but do not believe it prudent to include a workforce housing requirement in the ZTA until the specifics of the program are decided. As an alternative, the Board suggests including language in the Shady Grove Sector Plan that workforce housing is desired in any future development there, and can be achieved through a number of mechanisms. These mechanisms include a new legislative program and/or a

commitment that government-owned land will be made available only to developers who agree to build some workforce housing. The Shady Grove Sector Plan could specify the desired percentages of workforce housing, recommend locations (private or publicly owned land) for this housing or recommend legislation to create a workforce housing program.

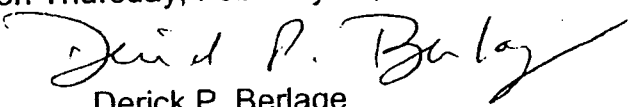
The Board is anxious to increase the number of TDR receiving areas in the County. However, the Board believes that the densities proposed in the Shady Grove Sector Plan cannot be increased without compromising compatibility with surrounding areas. The Board believes that to accommodate TDR's in this Plan, the proposed densities would need to increase at the expense of other recommendations contained in the Plan. Therefore, the Board does not support the inclusion of TDR's in this zoning text amendment. The Board anticipates that future Master Plans will provide a significant opportunity to accommodate TDR's.

Finally, the Planning Board made the following modifications to the subject text amendment:

1. Revise the Table of Permitted Uses - The following uses should be included in the use table of the TOMX 2.0 Zone:
 - a) Group Day Care and Child Day Care should be permitted a use instead of Special Exception use.
 - b) Advanced technology and biotechnology research and development uses should be added to the use table.
 - c) Office, professional including banks and financial institutions should include drive-in banks as a permitted use
2. Revise Streetscape Guidelines to eliminate the term "... and crossing signals" from the text.
3. Add language that would permit properties with a minimum net lot area of 18,000 square feet to subdivide after approval of a Project Plan under the Optional Method of Development.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on a motion of Vice Chair Perdue and seconded by Commissioner Bryant with Commissioner Robinson and Chairman Berlage voting in favor, and Commissioner Wellington voting against the motion, at its regular meeting held in Silver Spring, Maryland on Thursday, February 24, 2005.


Derick P. Berlage
Chairman

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

February 22, 2005

MEMORANDUM – Zoning Text Amendment

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JXC*
Community-Based Planning Division

FROM: Karen Kumm Morris (301/495-4554) *KKM*
Community-Based Planning Division

Gregory Russ
Development Review Division

N N'kosi Yearwood
Community-Based Planning Division

SUBJECT: Zoning Text Amendment No. 05-02 Introduced by the District Council at the Request of the Planning Board; Amend the Zoning Ordinance to Establish a New Transit Oriented Mixed-Use Zone Shady Grove Sector Plan and Other Transit Station Areas

RECOMMENDATIONS

The staff recommends approval to transmit comments to the County Council concerning the recently introduced Zoning Text Amendment for a new Transit Station Zone (TOMX 2.0). This new zone is intended to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan. The following items summarize the comments:

1. Revisions to the table of permitted uses - The following uses should be included in the use table of the TOMX 2.0 Zone:
 - a. Group Day Care and Child Day Care should be permitted uses instead of Special Exceptions
 - b. Advanced technology and biotechnology research and development uses should be added to the use table
2. Work Force Housing - The staff recommends the requirement of 10 percent of all housing located on publicly owned land to be work force housing. This requirement would produce approximately 452 units of work force housing in addition to approximately 960 MPDUs.

(26)

3. Transfer of Development Rights - Allow the use of TDRs in the Planned Development (PD) Zone and the Residential Mixed-Use (RMX-2C) Zone. The use of transfer of development rights in each of these zones would produce approximately 164 TDRs.

INTRODUCTION

The Planning Board recommended the introduction of a Zoning Text Amendment for a new Transit Station Zone to implement the Shady Grove Sector Plan on January 27, 2005. The County Council recently introduced the proposed Zoning Text Amendment and requested additional comments from the Planning Board. A copy of the Zoning Text Amendment and the staff report is enclosed.

ANALYSIS

During the last hearing to introduce the TOMX 2.0 Zone, the Planning Board suggested changes to the table of permitted uses. During the recent work sessions, the PHED Committee of the County Council requested that the Planning Board consider methods to incorporate requirements for work force housing and transfer of development rights in the new TOMX 2.0 Zone. The following paragraphs address these issues.

Revisions to the Table of Permitted Uses

Recommendations - The following uses should be included in the use table of the TOMX 2.0 Zone:

- Group Day Care and Child Day Care should be permitted uses instead of Special Exceptions
- Advanced technology and biotechnology research and development uses should be added to the use table

Discussion - The Planning Board discussed the list of permitted uses on January 27, 2005. The Planning Board recommended that Group Day Care and Child Day Care be permitted uses instead of Special Exceptions.

In addition, the Screening Committee recently recommended that advanced technology and biotechnology research and development uses be added to the use table. These uses are part of the recommendations in the Technology Corridor and Metro Station Neighborhoods in the Shady Grove Sector Plan. These uses are also important in the Twinbrook Sector Plan area.

Work Force Housing

Recommendation - The staff recommends the requirement of 10 percent of all housing located on publicly owned land to be work force housing. This requirement would produce approximately 452 units of work force housing in addition to approximately 960 MPDUs.

Discussion - The County Council has requested that the Planning Board identify options to include work force housing in the Shady Grove Sector Plan. The County Council defines work force housing for the Shady Grove Sector Plan area as housing that can be purchased or rented by individuals or families that earn up to 120 percent of the medium income (\$100,875 in 2002) in Montgomery County. In addition, the County Council requested that any options for work force housing incorporate the following:

- Additional work force housing should not increase the amount of housing already proposed in the Sector Plan
- Work force housing should not reduce the number of moderately priced dwelling units
- Work force housing should be a minimum of 10 percent of the total housing in each project

Options for Consideration

- Require 10 percent as part of any agreement with a private developer on publicly owned land - 452 dwelling units of work force housing
- Requirement of 10 percent for approval of all projects in Shady Grove - 670 dwelling units of work force housing
- Requirement of 10 percent for approval of the Optional Method of Development in the TOMX 2.0 Zone - 395 dwelling units of work force housing

Table: Publicly Owned Land and Housing by Neighborhood in Shady Grove

Neighborhood	Zone	Total Housing	MPDUs (15%)	Work Force (10%)
Jeremiah Park	PD-15	640	96	64
Metro West				87
- WMATA	TOMX 2.0	865	130	91
Metro South	TOMX 2.0	908	137	
Metro North				86
- WMATA	TOMX 2.0	854	129	122
- DPWT	TOMX 2.0	1220	183	2
- MCPS	TOMX 2.0	12	0	
Totals		4499	675	452

Conclusions - The staff recommends the use of a requirement on publicly owned land for work force housing. All of the options require legislation (Chapter 25A or a new Chapter 25B) to include work force housing. In addition, a method to monitor the price of housing, and to establish time limits will be required. An implementing agency should also be identified. The staff is presently working on a comprehensive examination of work force housing in Montgomery County. A table of Housing Affordability Statistics is enclosed for information. The initial work will be completed within the next two months. Amendments to the zones should wait until this comprehensive examination is completed.

Transfer of Development Rights

Recommendation – Allow the use of TDRs in the Planned Development (PD) Zone and the Residential Mixed-Use (RMX-2C) Zone. The use of transfer of development rights in each of these zones would produce approximately 164 TDRs.

Discussion - The Planning Board considered the use of transfer of development rights during the preparation of the Shady Grove Sector Plan. Supporting the preservation of agricultural and rural open space in Montgomery County is a major consideration in the preparation of all master plans.

Options for Consideration

- Allow the use of transfer of development rights in all neighborhoods zoned for Planned Development (PD) or Residential Mixed-Use (RMX-2C) - 164 TDRs
- Requirement of 10 percent for approval of the Optional Method of Development in the TOMX 2.0 Zone - 395 TDRs
- Both of the above options - 559 TDRs

Table: Transfer of Development Rights by Neighborhood in Shady Grove

Neighborhood	Zone	Total Housing	TDRs (10%)
Jeremiah Park	PD-15	640	64
Casey 7	PD-18	300	30
Metro East	PD-15 and 35	362	37
Old Derwood	PD-22	22	3
The Grove	RMX-2C	300	30
Totals		1624	164

Conclusions - The Planned Development (PD) Zone provides an incentive of 10 percent for the provision of transfer of development rights. The Residential Mixed-Use (RMX-2C) Zone also includes an incentive for including the transfer of development rights although this incentive must be included in the Shady Grove Sector Plan and Sectional Map Amendment. The TOMX 2.0 Zone would need to be modified to include an option for the use of transfer of development rights. The Planning Board did not include the use of transfer of development rights in the TOMX 2.0 Zone. The areas designated for the TOMX 2.0 Zone include several competing priorities as listed in the following:

- Cost of providing MPDUs in high-rise structures
- Cost of relocating the County Service Park
- Need to relocate the existing Metro surface parking facilities into new parking structures
- Requirement to construct a new street system in the Metro neighborhoods
- Requirement for amenities and facilities in the approval of the Optional Method of Development in the TOMX 2.0 Zone
- Requirement to fund a new community center

The staff recognizes that identifying additional locations for receiving areas for the use of transfer of development rights should be a priority in each master plan and sector plan. The Shady Grove Sector Plan includes the use of transfer of development rights. Staff has begun an examination of the sending and receiving areas for the use of transfer of development rights as part of a rural initiative.

JAC:ha: a:\carter4\PHED TOMX Zone

Attachments:

- Table of Housing Affordability Statistics
- MPDU Condominium Fee Analysis
- Staff Report, dated January 20, 2005

Housing Affordability Statistics Montgomery County, 2003 and 2004

Home Sales Prices, 2003 and 2004

Sales: Median sales prices, Jan-Sept 2003 compared to Jan-Sept 2004 (RTC, STAR)

<u>Sales</u>	<u>2003</u>	<u>2004</u>	<u>% Increase</u>	<u>2003 income needed</u>	<u>2004 income needed</u>
New Condo	\$261,410	\$303,605	16.1%	\$86,300	\$100,200
Used Condo	\$170,000	\$210,000	23.5%	\$56,100	\$69,300
New and used condo	\$172,000	\$213,000	23.8%	\$56,800	\$70,300
New Townhouse	\$367,198	\$414,088	12.8%	\$121,200	\$136,700
Used Townhouse	\$229,000	\$274,000	19.7%	\$75,600	\$90,400
New and Used Townhouse	\$238,000	\$281,000	18.1%	\$78,600	\$92,700

Note: There were 62 high-rise condo sales in 2003 (median price \$344,000) and 70 high-rise condo sales in 2004 (median price: \$307,000). However, these were in a small number of buildings. Generally we believe that new high-rise condos have similar prices to other new condos with some very high-priced exceptions. New condos can sell for over \$1 million.

Apartment Rents, 2003 and 2004

Rent: Average Turnover Rent, DHCA Survey

<u>Rents</u>	<u>2003</u>	<u>2004</u>	<u>% Increase</u>	<u>2003 income needed</u>	<u>2004 income needed</u>
1 bedroom	\$990	\$1,027	3.74%	\$39,600	\$41,080
2 bedroom	\$1,162	\$1,211	4.22%	\$46,480	\$48,440
3 bedroom	\$1,448	\$1,526	5.39%	\$57,920	\$61,040
All apartments	1111	1154	3.87%	\$44,440	\$46,160
Garden apartments	1032	1063	3.00%	\$41,280	\$42,520
Mid-rise apartments	1099	1148	4.46%	\$43,960	\$45,920
High-rise apartments	1282	1338	4.37%	\$51,280	\$53,520
Townhouse/piggyback	1386	1421	2.53%	\$55,440	\$56,840

Montgomery County Median Household Income Estimates

2002: Census Update Survey; 2003 and 2004: RTC ballpark estimate

	ballpark est. 2003	ballpark est. 2004
2002 median hhld <u>income</u>	median hhld <u>income</u>	median hhld <u>income</u>
\$79,115	\$81,241	\$84,061

Washington MSA Median Family Income (Figure used by MPDU law)

Source: US Department of Health and Human Services

FY2003 median family <u>income</u>	FY2004 median family <u>income</u>
\$84,800	\$85,400

MPDU CONDOMINIUM FEE ANALYSIS
Montgomery County, MD
November 2004

At the request of the Montgomery County Department of Housing and Community Affairs, Bolan Smart Associates has undertaken a brief analysis of the probable condominium fees associated with several different forms of condominium development in Montgomery County. The purpose of this analysis is twofold:

1. *To determine the probable MPDU condo fees for different kinds of development.*
2. *To determine if market rate buyers may in effect have to subsidize MPDU buyers.*

Our findings and observations are as follows (see attached table):

- a) Condo fees for a 1,000 square foot two-bedroom unit range from \$270/month in a mass-market low-rise development to \$540+ in a 1,000 sf high-rise building.
- b) The typical two-person MPDU household earning \$48,000/year can afford to spend \$1360/month (34%) for housing exclusive of utilities and unit maintenance.
- c) MPDU buyers of typical mass-market low-rise apartments are likely to be able to afford condo fees.
- d) MPDU buyers of mid and high-rise units are less likely to be able to afford probable condo fees without spending more on housing costs than is prudent or feasible.
- e) MPDU buyers of mid-rise apartments would need to spend \$127/month more than is feasible in order to cover their condo fees.
- f) MPDU buyers of mid-priced high-rise apartments would need to spend \$380/month more than is feasible to cover their condo fees.
- g) MPDU buyers of luxury high-rise apartments would need to spend \$540/month more than is feasible to cover their condo fees.
- h) Market rate buyers of mid and high-rise condo units may need to subsidize the condo fees of MPDU purchasers by \$18 to \$77/month per market rate buyer, depending on building type in a typical 200-unit development with 12.5% (25) MPDUs.

MPDU CONDOMINIUM FEE ANALYSIS

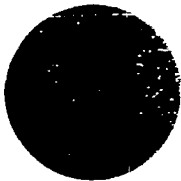
Montgomery County, MD
two-bedroom / two-person occupancy unit

		low-rise 2-4 story	mid-rise 4-6 story	high-rise mid-priced	high-rise luxury
Unit Size (sf)		1,000 sf	1,000 sf	1,000 sf	1,000 sf
Unit Market Price		\$275,000	\$350,000	\$400,000	\$550,000
MPDU Price		\$120,000	\$160,000	\$190,000	\$210,000
MPDU Annual Gross Income		\$48,000	\$48,000	\$48,000	\$48,000
MPDU Monthly Gross Income		\$4,000	\$4,000	\$4,000	\$4,000
MPDU Monthly Income for Housing (a)	34.00%	\$1,360	\$1,360	\$1,360	\$1,360
MPDU Monthly Mortgage Related Cost					
principal & interest (95% fin, 30 yr term)	6.00%	\$735	\$980	\$1,164	\$1,287
real estate taxes	1.15%	\$115	\$153	\$182	\$201
insurance	0.25%	\$25	\$33	\$40	\$44
total mortgage related cost		\$875	\$1,167	\$1,386	\$1,532
MPDU Available Income After Mortgage		\$485	\$193	(\$26)	(\$172)
<i>MPDU Income Available for Condo Fees</i>		<i>\$485</i>	<i>\$193</i>	<i>\$0</i>	<i>\$0</i>
Typical Monthly Condo Fees (per square foot)		\$0.27	\$0.32	\$0.39	\$0.54
monthly total		\$270	\$320	\$390	\$540
MPDU income available for condo fees		<u>\$485</u>	<u>\$193</u>	<u>\$0</u>	<u>\$0</u>
<i>MPDU monthly condo fee deficit</i>		<i>\$0</i>	<i>(\$127)</i>	<i>(\$380)</i>	<i>(\$540)</i>
Monthly Condo Fee Cost for 200 Unit Bldg.		\$54,000	\$64,000	\$78,000	\$108,000
market rate units income (175 units)		\$47,250	\$56,000	\$68,250	\$94,500
MPDU monthly income (25 units @ 12.5%)		<u>\$6,750</u>	<u>\$4,833</u>	<u>\$0</u>	<u>\$0</u>
		\$54,000	\$60,833	\$68,250	\$94,500
<i>Monthly Surplus / Deficit for Entire Bldg.</i>		<i>\$0</i>	<i>(\$3,167)</i>	<i>(\$9,750)</i>	<i>(\$13,500)</i>
Implied Market Unit Monthly Subsidy		\$0	\$18	\$56	\$77
implied market unit annual subsidy		\$0	\$217	\$669	\$926

Notes:

(a) net of utilities & unit maintenance

Sources: Montgomery County Department of Housing and Community Affairs MPDU Section; Bolan Smart Associates (November 2004)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Montgomery County Department of Park and Planning

January 20, 2005

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JAC* Community-Based Planning Division
Rose Krasnow, Chief Development Review Division

FROM: Karen Kumm, Kathy Reilly and N'kosi Yearwood Community-Based Planning Division
Carlton Gilbert and Greg Russ Development Review Division

SUBJECT: Proposed Zoning Text Amendment
New Transit Oriented, Mixed Use Zone
Shady Grove Sector Plan and Other Transit Station Areas

RECOMMENDATION

The staff recommends approval to transmit comments to the County Council for introduction of a text amendment for a new transit station zone. This new zone is intended to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan.

INTRODUCTION

The Planning Board Draft of the Shady Grove Sector Plan recommends a new transit station zone for the Metro West, Metro South and Metro North areas located adjacent to the Shady Grove Metro Station. The County Council requested the introduction of a Zoning Text Amendment before the Shady Grove Sector Plan is approved. The PHED Committee of the County Council will begin a series of work sessions on the Planning Board Draft of the Shady Grove Sector Plan on January 25, 2005 with a tentative conclusion at the end of February. In accordance with the request from the County Council, this new zone for the Metro Neighborhoods in the Planning Board Draft of the Shady Grove Sector Plan is recommended for review and introduction. After the County Council has introduced the Zoning Text Amendment, the Planning Board will have an additional opportunity to review and comment before final approval by the County Council.

DESCRIPTION

This new mixed-use zone is intended to foster the creation of a mixed-use center at the Shady Grove Metro Station. The development standards match the recommendations in the Planning Board Draft of the Shady Grove Sector Plan. The development review process proposed in the new zone is similar to the techniques established for the CBD Zones including the use of the Optional Method and Standard Method of Development. The keys features of this new zone include the following:

- **"Euclidean Zone" Instead of "Floating Zone"** - This zone will be applied by the use of a Sectional Map Amendment after the Shady Grove Sector Plan is approved. The development review process would be similar to the existing "Euclidean" CBD Zones with an emphasis on establishing a mix of uses, compatibility, design, and public facilities and amenities. This zone could be used as a future replacement for the "floating" TS-R and TS-M Zones.
- **Development Process** - A standard and optional method of development established in the CBD and RMX Zones would be included in the review process. The review of a site plan would be required in both cases. The standard and optional method of development proposed in the new zone in combination with guidelines in the sector plan are intended to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan.
- **Public Use Space, Public Facilities and Amenities** - The proposed zone will improve the existing TS-R and TS-M development standards for active and passive recreation areas and public use space. Public use space, and facilities amenities will be required. Transfer of public use space within the transit station development area will be permitted.
- **Encourage Housing Including Affordable Housing** - The proposed new zone would be established to provide a mix of uses including housing to address the need for housing in Montgomery County near transit station areas. Bonus densities would be a central part of the new zone to provide for moderately priced dwelling units.
- **List of Permitted Uses** - The proposed new zone would expand on the uses permitted in the CBD Zones to allow advanced technology and biotechnology uses including a limited amount of manufacturing.

This new zone will be applicable to transit station areas outside of Central Business Districts (CBDs). This zone and the development standards will be recommended for use in the Staff Draft of the Twinbrook Sector Plan. This new Transit Station Zone could also be used in other transit station areas located outside the existing CBDs including other areas along the Metro Red Line, the future Corridor Cities Transitway, and the Purple Line.

The following table provides a list of development standards for the Mixed Use 2.0 Zone in the Shady Grove Area. In addition, the following table also provides a sample of the development standards that could be used as a replacement for the TS-R and TS-M Zones in future sector plans and master plans.

Development Standards: Mixed Use Zones for Transit Station Areas:

	Mixed Use 2.0 (Shady Grove)		Mixed Use 2.5 (TS-R replacement)		Mixed Use 3.0 (TS-M replacement)	
	Standard Method	Optional Method	Standard Method	Optional Method	Standard Method	Optional Method
Minimum Net Lot Area	-	18,000	-	18,000	-	18,000
Maximum Allowable Density	0.5 FAR	2.0 FAR	0.65 FAR	2.5 FAR	0.75 FAR	3.0 FAR
Maximum Building Coverage	75%		75%	-	75%	-
Maximum Building Heights: • From adjacent residentially zoned property	50 feet 35 feet		50 feet 35 feet	- -	50 feet 35 feet	- -
Minimum Public Use Space (percent of net lot area)	10%	20%	10%	20%	10%	20%
• With MPDUs included on-site	5%	20%	5%	20%	5%	20%

Notes:

1. The maximum building coverage and building height would be determined during the review of the project plan and site plan in a manner consistent with the applicable sector plan or master plan.
2. The allowable density for the residential area could be increased in proportion to the amount of the applicable bonus for including moderately priced dwelling units.

ANALYSIS

This new zone is intended as a significant departure from the existing methods of review and development around transit stations located outside of CBDs. It is intended to position Montgomery County to meet the challenges of community building in the 21st century. Staff evaluated existing zones including the CBD, mixed-use, and transit station zones. Each of these zones has limitations. The following paragraphs provide a brief analysis of the existing zones and other options considered for the Shady Grove Sector Plan.

Central Business District Zones

The proposed zone recommends the use of the standard method and optional method of development that is provided in the CBD Zones. Designating the Shady Grove area as a Central Business District would be a significant land-use policy change and is not appropriate given the major employment focus of CBDs. Instead of this significant

policy and land-use change, staff recommends the proposed new zone that would achieve a compact, mixed-use, transit-oriented center not only at Shady Grove, but also at the Twinbrook Metro Station area and other transit station areas of Montgomery County. The proposed density in the Shady Grove Sector Plan is significantly less than most of the density limitations in the CBD Zones. The list of permitted uses in the CBD Zones also does not permit some of the advanced technology and biotechnology uses including manufacturing needed in the Shady Grove Metro Station area.

TS-R and TS-M Zones

The Transit Station-Residential Zone (TS-R) and the Transit Station-Mixed Zone (TS-M) have been used in areas surrounding transit stations, including the Friendship Heights, Grosvenor, White Flint, and Twinbrook areas. These floating zones require considerable time from the initial submission of the rezoning petition and County Council approval, which is followed by approval of a preliminary plan and site plan.

The TS-R and TS-M Zones require smaller land areas than other floating zones, 18,000 and 40,000 square feet, respectively. The densities exceed the recommendations for the Shady Grove area (2.5 FAR for TS-R, and 3.0 FAR for TS-M). The TS-R and TS-M Zones do not require public use space, and amenities and facilities recommended in the Planning Board Draft of the Shady Grove Sector Plan. The lengthy process associated with both zones has limited the potential of the zone. For example, the 1990 Shady Grove Study Area Plan recommended 1,250 dwelling units and one million square feet of commercial development under both the TS-R and TS-M Zones. To date, no property has been redeveloped under this method.

Mixed-Use Zones (MXPD, MXN, and RMX)

The Mixed-Use Planned Development Zone (MXPD), and the Mixed-Use Neighborhood Zone (MXN) are floating zones that have been used in the Clarksburg and Germantown areas of Montgomery County to address the needs of new development instead of redevelopment. These zones have not been used for development close to transit stations for the following reasons.

- **Minimum Lot Size** - Minimum land area of 20 acres is required for both the MXPD and the MXN Zones. This amount of land is often under single ownership instead of the multiple owners surrounding transit station areas. Additionally, the total density is limited to a FAR of 0.3 for the MXN Zone.
- **Green Area Requirement** - Both the MXPD and MXN Zones specify a 50 percent green area. Given the multiple land ownership that surrounds transit stations, including Shady Grove and Twinbrook, a zone similar to a CBD Zone is the best approach to encourage redevelopment, promote transit-oriented development, and create an efficient review process.
- **Density Limitations** - Staff also examined the Residential-Mixed Use (RMX) Zones. The RMX Zones, unlike the MXPD and the MXN Zones, are Euclidean zones. The density of 30-40 dwelling units per acre for residential development and a FAR of 0.35 to 0.5 in the RMX Zones is not sufficient for development

adjacent to transit stations. The RMX Zones are useful in converting existing commercial centers, such as Cabin John Center in Potomac, Glenmont Shopping Center, and The Grove Shopping Center into mixed-use centers, but lower density in the RMX Zones is not appropriate for transit station areas.

Planned Development Zones

The Planned Development (PD) Zones allow densities from two to 100 dwelling units per acre. The PD Zones do not allow the mix of uses recommended for the transit station area in the Shady Grove Sector Plan. In addition, the green area requirement for densities of 15 to 44 dwelling units per acre is 50 percent of the gross site area. This amount of green area is difficult to achieve at transit centers. Higher densities in the PD Zones reduce the green area to 30 percent of the gross tract area. PD zones generally do not provide sufficient non-residential floor area to create a desirable mixed-use neighborhood.

Comparison of Density in Other Transit Station Areas

The following table identifies the location, zone, and density for transit station areas located outside the CBDs in Montgomery County. The density proposed in the new zone is similar to the density permitted in other areas not including the density permitted in the CBD Zones.

Table of Location, Zone, and Density for Other Transit Station Areas:

Location	Zone	Density
Friendship Heights	TS-M	FAR 3.0
Bethesda CBD	TS-R	FAR 2.5
Grosvenor	PD 75	75 DUs per acre
White Flint	TS-M	FAR 2.0
Twinbrook	TS-R	FAR 1.9
Shady Grove (Proposed)	TOMX	FAR 1.5 - 2.0
Glenmont	TS-R	51 DUs per acre

CONCLUSION

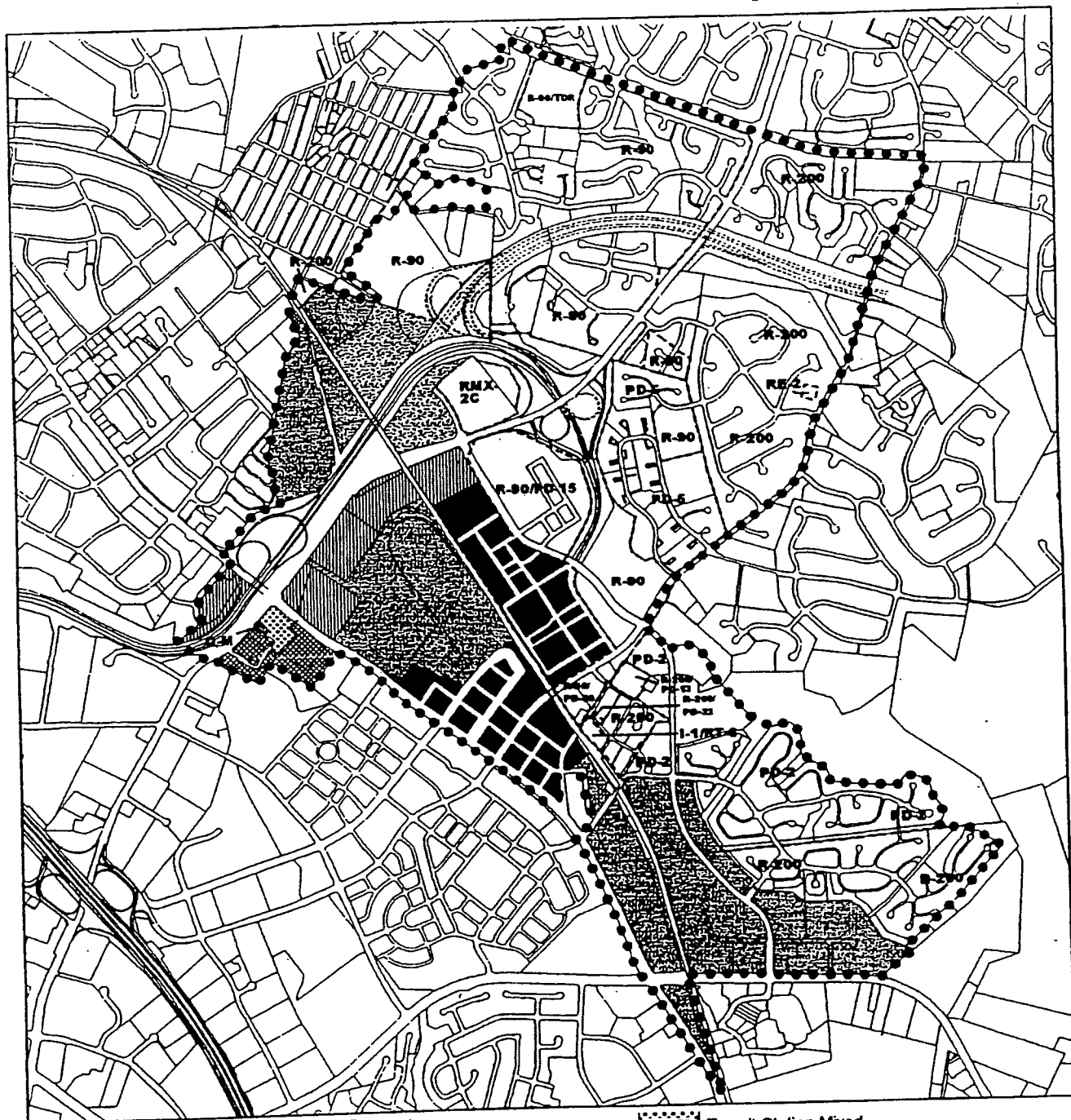
The staff recommends the introduction of the attached draft for a new transit station zone to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan.

JAC:KKM:KR:NY:ha: a:\carter4\ZTA TOMX

Attachments:

- Map of Shady Grove Metro Station Areas
- Draft of the New Zone

Proposed Zoning



RE-2	Residential, Single-Family
R-200	Residential, Single-Family
R-90	Residential, Single-Family
R-90/TDR	Residential, Transferable Development Rights
RT-6	Residential, Townhouse
R-20	Residential, Multi-Family
PD-2	Planned Development

PD-5	Planned Development
PD-13	Proposed Planned Development
PD-15	Proposed Planned Development
PD-22	Proposed Planned Development
PD-35	Proposed Planned Development
MXR	New Residential, Metro Mixed Use
RMX-2C	Mixed Use, Commercial

TS-M	Transit Station, Mixed
O-M	Office Building, Moderate Intensity
C-3	Convenience Commercial
I-1	Light Industrial
I-3	Proposed Industrial Park
R&D	Proposed Research & Development

----- Zoning Boundary Lines

0 2200'

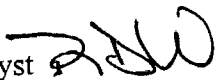
AGENDA ITEM #5&7
September 6, 2005

Worksession

MEMORANDUM

August 30, 2005

TO: County Council

FROM: Ralph D. Wilson, Senior Legislative Analyst 

SUBJECT: Worksession – ZTA 05-05, Streetscape standards in the I-1 zone.

PHED Recommendation. The Committee recommends that Planning Board staff discuss with staff of the Department of Public Works and Transportation developing County-wide streetscape standards. ZTA 05-05 would establish higher streetscape standards for development in the I-1 zone than exists for development in other zones. The Committee believes that if streetscape guidelines are to be established, they should apply County-wide and not just to I-1 zoned properties.

Background

The Shady Grove Sector Plan has as a general development objective the improvement of the pedestrian environment through streetscape improvements. MD 355, the Oakmont Industrial Park, and Crabbs Branch Parkway are identified in the Shady Grove Sector Plan as in need of an improved pedestrian environment. ZTA 05-05 proposes to accomplish the plan's streetscape objectives in part by requiring that streetscape improvements be provided for projects developed in the I-1 zone. Existing I-1 development would be grandfathered; however, existing development would be required to come into conformance with applicable streetscape guidelines of the plan, if the gross floor area is increased by 25 percent or 7,500 square feet, whichever is less.

The requirement for existing I-1 projects to provide streetscape improvements was debated at the public hearing. Witnesses in support of the proposal generally believe that ZTA 05-05 was a reasonable proposal for addressing the pedestrian environment problem in portions of Shady Grove and would not burden existing businesses since the streetscape requirements would come into play only if a business is creating a sizeable addition. Witnesses who testified in opposition to the proposal consisted mostly of I-1 property owners and tenants. It was argued by this group that industrially development does not attract pedestrian traffic and that the ZTA

will serve as a disincentive to property owners and tenants to update and modernize their facilities. The public hearing testimony is attached.

Council Staff Comments

ZTA 05-05 would require new development and expansions of existing development over a certain number of square feet in the I-1 zone to come into compliance with sector plan streetscape standards. The ZTA seeks to improve the pedestrian environment in the Shady Grove Sector Plan area. However, the effects of ZTA 05-05 are not limited to the Shady Grove Sector Plan and would apply to I-1 development throughout the County. This approach for accomplishing streetscape objectives for Shady Grove is problematic. At a minimum, ZTA 05-05 should be revised to limit its effects to the I-1 properties recommended in the Shady Grove Sector Plan for streetscape improvements and not affect I-1 properties where master or sector plan guidelines yet are to be considered.

ZTA 05-05 would also establish a higher standard for development in the I-1 zone than exists for development in other zones. All new development, regardless of zone classification, must provide sidewalks and street tree plantings in accordance with design standards of the Department of Public Works and Transportation. Existing development is not generally required to comply with sidewalk and tree planting standards unless redevelopment is subject to preliminary plan or site plan approval. Planning staff's position is that over 90 percent of the I-1 properties in the County are now developed with uses under a preliminary plan, and expansions or redevelopment may require only a building permit if under three stories or not a car dealership. The argument is that since neither a preliminary plan or site plan would be required, an opportunity will not exist to achieve County standards.

Councilmember Praisner raised the same issue as Council staff at the public hearing, that under ZTA 05-05, I-1 development would be held to a higher standard than development in other zones and requested that the Committee have a discussion of the need for streetscape improvements countywide. Councilmember Praisner noted at the public hearing that some sidewalks along residential roads abut the road without any provision for any tree buffer between the sidewalk and the road, which under ZTA 05-05 appears to be a requirement for I-1 development. Planning staff's response to Councilmember Praisner's comments and issues raised by Council staff are on circle 22-24.

Several I-1 automotive dealerships in the Shady Grove area testified that they have made pedestrian improvements to the road frontage in front of their businesses. Sidewalks and above ground utility poles currently exist on both sides of MD 355 from Indianola Avenue to Gude Drive. A question raised at the hearing was whether the improvements on the east side of MD 355 would have to be replaced if not in strict compliance with current standards or sector plan guidelines. Under ZTA 05-05, existing sidewalks not in compliance with code standards would have to be replaced in order to construct a tree panel between the road and the sidewalk.

Council staff is not in support of ZTA 05-05 as introduced. At a minimum, ZTA 05-05 should be revised to limit its effects to the I-1 properties in the Shady Grove Sector Plan and not affect I-1 properties where master or sector plan guidelines yet are to be considered. In any

event, Council staff believes ZTA 05-05 should apply prospectively and not establish a different streetscape requirement for existing I-1 development than exists for development in other zones with similar review requirements.

This packet includes:

Circle #

ZTA 05-05 as introduced	1 - 4
Planning Board Recommendation and Technical Staff Report	5 - 21
Memorandum dated June 7 from Planning Board Staff	22 - 24
Memorandum dated April 11 from Attorneys Larry Gordon and Paul Glasgow	25 - 26
Public Hearing Transcript	27 - 43

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Zoning Text Amendment No: 05-05
Concerning: Streetscape Requirements
in the I-1 zone
Draft No. & Date: 5 – 03/23/05
Introduced: April 5, 2005
Public Hearing: May 10, 2005; 1:30 PM
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing streetscape requirements in the I-1 zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-5 “INDUSTRIAL ZONES”
Section 59-C-5.4 “Special regulations.”
Section 59-C-5.41 “Special regulations-I-1 zone.”

”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
*Underlining indicates text that is added to existing laws
by the original text amendment.*
*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*
*Double underlining indicates text that is added to the text
amendment by amendment.*
*[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.*
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-C-5 is amended as follows:**

2 **DIVISION 59-C-5 INDUSTRIAL ZONES.**

3 * * *

4 **59-C-5.41. Special regulations-I-1 zone.**

5
6 (a) **Off-street parking.** The off-street parking required by [a]Article 59-E [shall]
7 must be provided on land which is in the I-1 zone unless provided through a
8 joint use agreement.

9 (b) **Streetscape.** Streetscape improvements must be provided within or adjacent
10 to a street right-of-way to improve safety, access, and attractiveness. The
11 streetscape must include continuous sidewalks, street tree plantings, lighting,
12 or other improvements. All streetscape improvements must be consistent with
13 the guidelines of the applicable approved and adopted master or sector plan.
14 Any development existing as of (ZTA Effective Date) must be brought into
15 compliance with the streetscape guidelines if any cumulative proposed
16 modifications expand the total floor area of all structures or buildings by more
17 than 25 percent or 7,500 square feet, whichever is less. Streetscape
18 improvements must be identified at the time of preliminary plan or site plan
19 review. If a preliminary plan or site plan review is not required, streetscape
20 improvements must be submitted to the Director and Planning Board, or its
21 designee, for compliance with the applicable master or sector plan guidelines
22 before a building permit may be issued.

23 [(b)][c] **Development above three stories.** In order to encourage planned
24 development of employment centers, to preserve open space within such
25 developments, and generally to enhance the environment of large
26 employment centers, the height limit in this zone may be increased to 10

27 stories or 120 feet; provided, that the applicable approved and adopted master
28 plan does not indicate that large employment centers are unsuitable for the
29 applicable site; and provided further that the following site development
30 standards and site plan review procedure shall be in effect. Development in
31 accordance with this subsection shall be subject to all of the requirements of
32 the I-1 zone except as specifically modified herein.

33 * * *

34 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
35 date of Council adoption.

36
37 This is a correct copy of Council action.
38
39
40

41 _____
42 Elda M. Dodson, CMC
43 Acting Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MONTGOMERY COUNTY PLANNING BOARD

The Maryland-National Capital Park and Planning Commission

May 5, 2005

TO: The County Council for Montgomery County, Maryland, sitting as the
District Council for Maryland-Washington Regional District in
Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Planning Board on Zoning Ordinance Text Amendment No. 05-05

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Ordinance Text Amendment No. 05-05 at its regular meeting on May 5, 2005. By a vote of 5-0, the Board recommends that the text amendment be approved as amended with minor plain language modifications that are included in the technical staff report.

The Draft of the Shady Grove Sector Plan recommends improving the visual character of MD 355, the Oakmont Industrial Park and Crabbs Branch Office Park with streetscape provisions that will improve the pedestrian safety and overall character of the street. ZTA 05-05 will require streetscape improvements for all I-1 zoned property in the County in accordance with County road design standards and Sector and Master Plan guidance for street rights-of-way. The Planning Board believes that this proposal is an appropriate measure to further improve the pedestrian safety, access and convenience throughout the County.

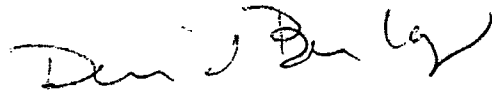
CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on a

Montgomery County Planning Board, 8787 Georgia Avenue, Silver Spring, Maryland 20910
Phone: (301) 495-4605, Fax: (301) 495-1320, E-mail: mcp-chairman@mncppc-mc.org, www.mncppc-mc.org

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motion of Commissioner Bryant, seconded by Vice-Chair Perdue, with Commissioners Bryant, Robinson and Wellington, Vice-Chair Perdue and Chairman Berlage voting in favor of the motion, at its regular meeting held in Silver Spring, Maryland on Thursday, May 5, 2005.

A handwritten signature in black ink, appearing to read "Derick Berlage", written in a cursive style.

Derick Berlage
Chairman

DB:gr



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Items 6 & 7
05/05/05

DATE: April 29, 2005
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning
Rose Krasnow, Chief, Development Review *RK*
Carlton Gilbert, Zoning Supervisor *km*
FROM: *HJ* Nkosi Yearwood and Karen Kumm, Community-Based Planning
Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendments
PURPOSE: To amend the Zoning Ordinance language based on recommendations from the Draft Shady Grove Sector Plan. Specifically, amend the Light Industrial (I-1) zone to require streetscape provisions in the zone; and amend the Research and Development (R&D) zone to allow an existing building materials and supply use, wholesale and retail, to be grandfathered as a permitted use; and provide for site plan review for standard method development in the R&D zone.
TEXT AMENDMENT: 05-05 and 05-06
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: April 5, 2005
PLANNING BOARD REVIEW: May 5, 2005
PUBLIC HEARING: May 10, 2005, 1:30 PM

STAFF RECOMMENDATION: APPROVAL with modifications (for both applications)

PURPOSE OF THE TEXT AMENDMENTS

To amend the Zoning Ordinance language based on recommendations from the Draft Shady Grove Sector Plan. The Sector Plan includes recommendations for two text amendments as follows:

1. ZTA No. 05-05: Amend the Light Industrial (I-1) zone to require streetscape provisions in the zone;
2. ZTA No. 05-06: Amend the Research and Development (R&D) zone to allow an existing building materials and supply use, wholesale and retail, to be grandfathered as a permitted use; and provide for site plan review for standard method development in the R&D zone.

BACKGROUND

ZTA 05-05

The Draft of the Shady Grove Plan recommends improving the visual character of MD 355, the Oakmont Industrial Park and Crabbs Branch Office Park with streetscape provisions that will improve the pedestrian safety and overall character of the street. Specifically, pedestrians are forced either to walk in the street, as in the Oakmont instance, or along MD 355 where the sidewalk abuts the road. This amendment will require streetscape improvements for all I-1 zoned property.

ZTA 05-06

The Planning Board Draft of the Shady Grove Sector Plan recommends rezoning the existing Great Indoors property, located along Shady Grove Road, from I-1 (Light Industrial) to R&D (Research and Development) and I-3 (Technology and Business Park) using the optional provisions. To avoid creating a nonconforming use and building size under the R&D zone for the Great Indoors (this use not permitted in the R&D zone), a text amendment is required to allow the existing building materials and supplies use as a grandfathered use in the R&D zone.

The Draft Plan also recommends the development of the Shady Grove Technology Corridor using the Research and Development (R&D) and I-3 zone as the implementation measure. Site plan review is required only in the R&D optional method of development and not in the standard method of development. In order to achieve the objectives of the Sector Plan and to encourage better site design for the Technology Corridor, staff recommends requiring site plan review for the standard method of development in the R&D zone. This requirement will ensure a character that can compete in the market place and attract quality R&D businesses.

The proposed text amendments were reviewed by the Planning Board on February 24, 2005, for transmittal to the County Council for introduction. Since that time, minor modifications (plain language and stylistic) were made to the text by the Zoning Screening Committee.

ANALYSIS

ZTA 05-05

This amendment will require streetscape improvements for all I-1 zoned property in accordance with County road design standards and Sector and Master Plan guidance for street rights-of-way to improve pedestrian safety, access and convenience. Streetscape improvements will be triggered at the time of preliminary and/or site plan approval. Site plan is required in the I-1 zone for buildings that are more than 3 stories or 42 feet in height and automobile sales and businesses, such as car dealerships.

The Shady Grove Planning Area has a significant amount of I-1 zoned land, approximately 544 acres. The Crabbs Branch Office Park, along Crabbs Branch Way and near Gude Drive, is developed under I-1 zoning, as is the MD 355 Corridor and the Oakmont Industrial area. Other light industrial properties are in the Fairland, Silver Spring, Upper Rock Creek, Germantown areas and in portions of the AirPark.

The streetscape requirement must achieve continuous sidewalks, street tree plantings, lighting or other improvements and must be consistent with the recommendations and guidelines of the relevant approved master or sector plan and approved streetscape plans.

ZTA 05-06

The current use category of the Great Indoors, building materials and supply, wholesale and retail, is permitted in the I-1 zone but not the R& D zone. Under the I-3 zone, a building materials and supplies use is allowed if the use existed prior to June 6, 1989.

Using the R&D and I-3 zones creates a ceiling on the amount of development on the Great Indoors property, should the site redevelop. Under the existing I-1 zone, there is no FAR limitation. The goal of the proposed text amendment is to grandfather the use into the R&D zone and to create a conforming use.

The following chart illustrates the amount of development allowed under each zoning category:

Great Indoors Land Area	Existing development (square feet)	R& D standards	I-3 standards
13.65 acres	210, 200 square feet @ 0.35 FAR (I-1 standard)	178, 508 sq. ft (@ .3 FAR) <i>standard method</i>	297, 514 sq. ft (@ .5 FAR) <i>standard method</i>
		297, 514 sq. ft. (@ .5 FAR) <i>optional method</i>	

RECOMMENDATION

The staff recommends that proposed ZTA Nos. 05-05 and 06, to address Shady Grove Sector Plan recommendations, be approved as modified slightly to make plain language text changes.

Attachments 1 and 2 depict the proposed amendments as modified by staff.

Attachments

1. Zoning Text Amendment No. 05-05
2. Zoning Text Amendment No. 05-06
3. Transmittal Letter from Planning Board to Tom Perez, Council President

Zoning Text Amendment No: 05-05
Concerning: Streetscape Requirements
in the I-1 zone
Draft No. & Date: 5 – 03/23/05
Introduced: April 5, 2005
Public Hearing: May 10, 2005; 1:30 PM
Adopted:
Effective:
Ordinance No:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing streetscape requirements in the I-1 zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-5 "INDUSTRIAL ZONES"
Section 59-C-5.4 "Special regulations."
Section 59-C-5.41 "Special regulations-I-1 zone."

*EXPLANATION: Boldface indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.
Double underlining indicates text that is added to the text
amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-5 is amended as follows:

DIVISION 59-C-5 INDUSTRIAL ZONES.

* * *

59-C-5.41. Special regulations-I-1 zone.

(a) **Off-street parking.** The off-street parking required by [a]Article 59-E [shall] must be provided on land which is in the I-1 zone unless provided through a joint use agreement.

(b) **Streetscape.** Streetscape improvements must be provided within or adjacent to a street right-of-way to improve safety, access, and attractiveness. The streetscape must include continuous sidewalks, street tree plantings, lighting, or other improvements. All streetscape improvements must be consistent with the guidelines of the applicable approved and adopted master or sector plan. Any development existing as of (ZTA Effective Date) must be brought into compliance with the streetscape guidelines if any cumulative proposed modifications expand the total floor area of all structures or buildings by more than 25 percent or 7,500 square feet, whichever is less. Streetscape improvements must be identified at the time of preliminary plan or site plan review. If a preliminary plan or site plan review is not required, streetscape improvements must be submitted to the Director and Planning Board, or its designee, for compliance with the applicable master or sector plan guidelines before a building permit may be [[issued]] issued.

[(b)](c) **Development above three stories.** In order to encourage planned development of employment centers, to preserve open space within such developments, and generally to enhance the environment of large employment centers, the height limit in this zone may be increased to 10

27 stories or 120 feet; provided, that the applicable approved and adopted master
28 plan does not indicate that large employment centers are unsuitable for the
29 applicable site; and provided further that the following site development
30 standards and site plan review procedure shall be in effect. Development in
31 accordance with this subsection shall be subject to all of the requirements of
32 the I-1 zone except as specifically modified herein.

33 * * *

34 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
35 date of Council adoption.

36
37 This is a correct copy of Council action.

38
39
40
41 _____
42 Elda M. Dodson, CMC

43 Acting Clerk of the Council

ATTACHMENT 2

Zoning Text Amendment No: 05-06
Concerning: Building Materials & Supplies
in the R&D Zone
Draft No. & Date: 3- 03/15/05
Introduced: April 5, 2005
Public Hearing: May 10, 2005; 1:30 PM
Adopted:
Effective:]
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing a building materials and supplies store as a permitted use in the Research and Development (R&D) zone under certain circumstances, and
- requiring site plan review for standard method development in the R&D zone, after a certain date.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-5	"INDUSTRIAL ZONES"
Section 59-C-5.2	"Land uses"
Section 59-C-5.45	"Special regulations-R&D zone."
ARTICLE 59-D	"ZONING DISTRICTS—APPROVAL PROCEDURES "

EXPLANATION: *Boldface indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-5 is amended as follows:

DIVISION 59-C-5 INDUSTRIAL ZONES.

* * *

59-C-5.2. Land uses.

* * *

	I-1	I-2	I-3	I-4	R&D	LSC
(d) Commercial.						
* * *						
Building material[s] and [supplies] supply, wholesale and retail. ²⁰	P	P		P	<u>P*</u>	

* Only if a building permit was issued before the property was classified to the R&D zone. Any building material and supply use for which a building permit was issued before the property was classified to the R&D zone is a conforming use and may be modified, reconstructed, or enlarged in accordance with the standards of the zone in effect for [[a]] the property before the property was reclassified to the R&D zone.

* * *

59-C-5.45. Special regulations-R&D zone.

* * *

(b) Standard method of -Development. Under the standard method of development a site plan must be filed with the Planning Board under 59-D-3.

((b)c) **Optional method of development.** In order to encourage the orderly grouping and planned development of research and development projects at higher densities than permitted under the standard method of development, [the following] an optional method of development project may be [permitted, provided] approved, if: (1) [it] the project is not inconsistent with

the applicable approved and adopted master plan; and (2) [provided that] the requirements for site plan approval [contained in division] under Division 59-D-3 are met. If the optional method of development is used, all the [normal] standard requirements of the R&D zone will be in effect, except as follows:

* * *

Sec. 2. Article 59-D is amended as follows:

ARTICLE 59-D. ZONING DISTRICTS—APPROVAL PROCEDURES.

INTRODUCTION

* *

The following table is provided for the convenience of the public, citing the appropriate sections of Article 59-C and indicating the type of plans required in each zone. In the event of any conflict between this table and the provisions of Article 59-C, the latter must govern.

Plan Approvals Required

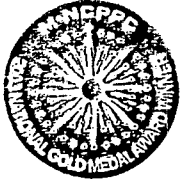
Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
* * *					
R&D				[O] <u>X</u>	
* * *					

44 Sec. 3. Effective date. This ordinance becomes effective 20 days after the
45 date of Council adoption.

46
47 This is a correct copy of Council action.

48
49
50 _____
51 Elda M. Dodson, CMC

52 Acting Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

March 1, 2005

The Honorable Tom Perez, President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

Re: Planning Board Recommendation on Transmittal to County
Council for Introduction of two Zoning Text Amendments
based on recommendations from the Shady Grove Sector
Plan

Dear Mr. ^{Tom}Perez and Councilmembers:

On February 24, 2005, the Planning Board approved the transmittal to the District Council of two zoning text amendments that are related to recommendations in the Shady Grove Sector Plan. The Planning Board recommends that the Council introduce these text amendments.

The text amendments propose to:

1. Allow a building materials and supplies store as a grandfathered permitted use in the R&D zone and require site plan review for all development in the R&D zone;
2. Establish streetscape requirements in the I-1 zone.

The two text amendments as recommended by the Planning Board are included as Attachment 1.

Background

Building Materials and Supplies in the R&D Zone/ Site Plan Review for all development in the R&D Zone

The Planning Board Draft of the Shady Grove Sector Plan recommends rezoning the existing Great Indoors property, along Shady Grove Road, from I-1 (Light Industrial) to R&D (Research and Development) and I-3 (Technology and

Business Park) using the optional provisions. To avoid creating a nonconforming use and building size under the R&D zone for the Great Indoors, a text amendment is required to allow the existing building materials and supplies use as a grandfathered use in the R&D zone.

The Draft Plan further recommends the development of the Shady Grove Technology Corridor using the Research and Development (R&D) and I-3 zone as the implementation measure. Site plan review is required only in the R&D optional method of development and not the standard method of development. In order to achieve the objectives of the Sector Plan and to encourage better site design for the Technology Corridor, the Board recommends requiring site plan review for the standard and optional methods of development in the R&D zone. This requirement will ensure a character that can compete in the market place and attract quality R&D businesses throughout the County.

Establishing Streetscape Requirements in the I-1 Zone

The Draft of the Shady Grove Plan also recommends improving the visual character of MD 355, the Oakmont Industrial Park and Crabbs Branch Office Park with streetscape provisions that will improve the pedestrian safety and overall character of the street. Specifically, pedestrians are either forced to walk in the street, as in the Oakmont instance, or along MD 355 where the sidewalk abuts the road.

This amendment will require streetscape improvements in the I-1 Zone throughout the County, in accordance with County road design standards and Sector and Master Plan guidance for street rights-of-way, to improve pedestrian safety, access and convenience. Streetscape improvements will be triggered at the time of preliminary and/or site plan approval and for existing development where expansion of the gross floor area reaches 25% or 7,500 square feet, whichever is less.

The Planning Board recommends that the text amendments be introduced by the District Council. Members of the Planning Board and staff of the Department of Park and Planning are available to assist the Council in the review of the proposed text amendments necessary to implement our recommendations.

Sincerely,



Derick P. Berlage,
Chairman

June 7, 2005

Memorandum

To: Ralph Wilson, Zoning Legislative Analyst
From: Karen Kumin Morris, Lead Planner *KKM*
N'kosi Yearwood, Planner *N.Y.*
Shady Grove Sector Plan
Subject: I-1 Zone Streetscape, Zoning Text Amendment 05-05

Need for Text Amendment

I-1 zoned land in the County is mostly developed with older road code standards, at a time when sidewalks were not required and sometimes when even no curbs were installed. Current road code standards that reflect more pedestrian friendly standards need to be retrofitted into these industrial areas when redevelopment occurs. As the County continues to urbanize, walking and transit ridership need to be accommodated.

Old standards with the sidewalk located at the curb were replaced with new standards in the mid 1990's because the old standard placed pedestrians next to travel lanes and discouraged walking. During winter months snow piled up on the sidewalk and made sidewalks unwalkable. (See attached photographs).

Achieving the County's current road code standard or streetscape improvements does not happen under current requirements since there is no site plan review for I-1 zoned land (except for car dealerships and building above three stories) and building permits do not typically require right-of way improvements of this nature. This text amendment will help ensure that when significant redevelopment occurs, the current road code standards will be achieved through conformance to the streetscape guidelines of the applicable master plan.

Why Should This Zone Have Streetscape Requirements and Not Other Zones?

When a property develops or redevelops, all zones require a preliminary plan if land is being subdivided or if additional density is being proposed above what previous preliminary plans had approved and in some zones site plan review also is required. In these cases when preliminary plans and/or site plan are required, current County Road Code standards and streetscape requirements of a master plan typically are required. These requirements are applied to all zones during the preliminary and site plan processes.

However, over 90% of the I-1 zoned properties in the County are already developed with uses under approved preliminary plans, and expansions or redevelopment may only require a building permit if under three stories or not a car dealership. Since no site plan is required in the zone

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(unless the use is a car dealership and over three stories), there will not be an opportunity to achieve county standards or master plan streetscape improvements. Typically, building permits that do not have preliminary plan or site plans are not required to improve the right of way.

It is the County's policy to improve pedestrian access and safety. This text amendment assures that I-1 zoned properties, the majority of which will not have site plan review, will not remain unimproved and undesirable for pedestrian use.

What the Text amendment Will Achieve

When significant redevelopment occurs, as defined by more 25% of existing floor area or 7,500 square feet whichever is less, such projects will require conformance to the streetscape requirements of the applicable master plan. In most cases, that will mean installing the current county standards of a curb, lawn panel with a street tree, and a minimum of a 5-foot concrete sidewalk. Retrofitting this standard into an existing situation will require working around existing overhead utilities, fire hydrants, bus stops, traffic control boxes and other utilities. It does not require relocation or undergrounding of existing utilities. It will not result in tearing down existing buildings because all improvements will occur within the right-of-way.

Master plans typically do not recommend special, "upgraded" streetscape within I-1 zoned areas. Typically, upgraded streetscape standards in master plans that call for special paving, custom lighting and larger caliper tree sizes, are recommended for mixed used zones such as the CBD's, RMX, and MXPD zones.

How It Will Be Implemented

Development that requires a preliminary plan or site plan will be review by M-NCPPC and applicable streetscape improvements will be required at that time. A public hearing ensures that the property owner has the opportunity to resolve issues and address specific problems. If the development plan only requires a building permit, then a staff administered review will take place as designee to the Director and Planning Board. This process does not result in any additional steps then would be otherwise required and will help ensure a stream-lined review in tandem with the building permit review.

A Recent Example of I-1 Zoned Streetscape Improvements

The Lexus Dealership along MD 355 recently received site plan approval of a significant expansion of their dealership. The company supported the staff recommended streetscape requirements (in this case the current county standards) that required relocation of the sidewalk back behind the tree panel and new street trees because they felt that it would improve their curb appeal. No utility relocations were required, no adjustments to their proposed buildings were affected by this requirement, and no additional procedural steps were required. For properties without the site plan requirement, the text amendment will ensure that the county standard will be achieved.

Existing ROW's adjacent to I-1 Zoned Properties



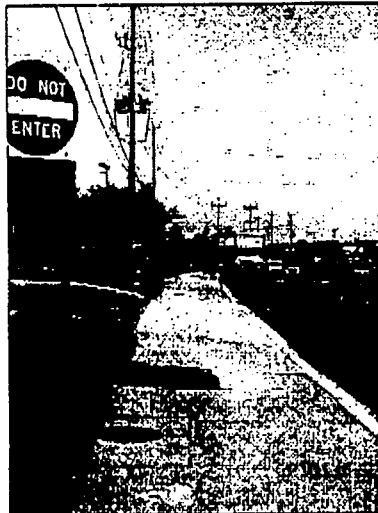
View of Oakmont Avenue
Old County Road Code Standard



View of Oakmont Avenue



View of MD 355
Old County Road Code Standard



View of MD 355



Current County Road Code Standard

301-230-6576
lgordon@srgpe.com

MEMORANDUM

To: Montgomery County Council PHED Committee
- **Councilmember Steve Silverman, Chair**
- **Councilmember Marilyn Praisner**
- **Councilmember Nancy Floreen**

From: Larry Gordon, Esq. (Attorneys for EDP)
Paul Glasgow, Esq. (Attorneys for Royco)

Re: Shady Grove Sector Plan,
Request for Grandfathering of MD 355 South Corridor from Proposed Streetscape
Provisions in Conjunction with Pending I-1 Zone Text Amendment

Date: April 11, 2005

This Memorandum is submitted on behalf of Eastern Diversified Properties, Inc. ("EDP") and Royco, Inc. ("Royco") to request grandfathering of the MD 355 South Corridor from the above-referenced proposed streetscape provisions until such time as these properties redevelop for residential or mixed use residential purposes. The MD 355 South Corridor ("Corridor") extends from Paramount Drive southward to the southernmost boundary of the Sector Plan south of Gude Drive. All of the properties in the Corridor are and will remain zoned I-1. As such, they would all be subject to the pending I-1 Zoning Text Amendment ("ZTA") through which the proposed Sector Plan streetscape recommendations would be implemented. It is further noted that none of the properties within the Corridor will receive any density bonus or expansion of allowable use categories through the Sector Plan or I-1 ZTA.

In support of their request for grandfathering, EDP and Royco note the following:

1) The existing auto-related uses on all of EDP's and Royco's properties in the Corridor (and which auto-related uses predominate on other Corridor properties) are anticipated to remain in place for the foreseeable future. This is due to recent new dealership development and existing dealership upgrades, as well as property leases which extend for up to 20 years.

2) Streetscape, 8-foot wide concrete sidewalks, and above-ground utility poles currently exist along both sides of MD Route 355 in the Corridor. These existing improvements would have to be relocated to comply with the Sector Plan streetscape recommendations at substantial cost to the property owners and would act as a disincentive for the property owners to undertake future renovations and improvements to their properties.

3) Attempts to encourage more pedestrian and bicycle use in the Corridor will conflict with the existing auto-related uses and multiple curb cuts that are anticipated to remain in place for the foreseeable future.

4) Shady Grove Metro patrons are not currently walking and are not likely in the future to walk from that Metro to the Montgomery College Shady Grove campus given that: (i) the Rockville Metro Station is at least ½ mile closer to the campus than the Shady Grove Station (which Shady Grove Station is some 1.5 miles from the campus); and (ii) Montgomery College students are afforded free Ride-On bus service.

5) The same proposed streetscape treatment is not likely to occur on the west (i.e., Rockville City) side of MD Route 355 given the recent development of the adjacent King Farm community and Celera campus. Moreover, the existing location of sidewalks and above-ground utility poles on the west side of the street match the existing location on the east (i.e., Montgomery County) side.

6) The addition of significant landscape improvements along the frontage of existing Corridor auto dealerships (both by itself and particularly in combination with any existing slopes) would impede visibility of display vehicles, showrooms, and points of ingress and egress to MD Route 355.

For any or all of these reasons, EDP and Royco which, collectively, own a substantial majority of the acreage in the MD 355 South Corridor, respectively request that the MD 355 South Corridor be grandfathered from the streetscape provisions found at pages 74 through 78 and the I-1 Zone streetscape amendment recommendation contained at page 101 of the July 2004 Planning Board Draft Sector Plan.

cc: Ms. Marlene Michaelson
Dr. Glenn Orlin
Paul Glasgow, Esq.
Mr. Dan Noell
Mr. Hamid Fallahi
Mr. Ed Papazian

TRANSCRIPT
-- May 10, 2005 --

MONTGOMERY COUNTY COUNCIL
Members of the 15th Council

Thomas Perez, President	George Leventhal, Vice President
Phil Andrews	Michael Knapp
Howard Denis	Nancy Floreen
Marilyn J. Praisner	Steven A. Silverman
	Michael Subin

Excerpt from Transcript of May 10, 2005 Council Session:

Transcript for Public Hearing: ZTA 05-05, Streetscape Requirements – I-1
Zone

Date: May 10, 2005 at 1:30 p.m.

Councilmembers Present: Perez, Leventhal, Andrews, Denis, Knapp, Floreen,
Praisner, Silverman, and Subin

**The Corrected Transcript of
The Montgomery County Council**

May 10, 2005

1 AGENDA ITEM NUMBER 14, THIS IS A PUBLIC HEARING ON ZONING TEXT
2 AMENDMENT 05-05, WHICH WOULD AMEND THE ZONING ORDINANCE TO
3 ESTABLISH STREETScape REQUIREMENTS IN THE I-1 TO IMPROVE
4 PEDESTRIAN SAFETY AND THE VISUAL CHARACTER OF MARYLAND 355,
5 THE OAKMONT INDUSTRIAL PARK AND CRABB'S BRANCH PARKWAY. THE
6 ZONING TEXT AMENDMENT WOULD IMPLEMENT RECOMMENDATIONS OF THE
7 SHADY GROVE MASTER PLAN. PERSONS WISHING TO SUBMIT ADDITIONAL
8 MATERIAL FOR THE COUNCIL'S CONSIDERATION SHOULD DO SO BEFORE
9 CLOSE OF BUSINESS MAY 24TH, 2005. THE COMMITTEE WORK SESSION
10 IS TENTATIVELY SCHEDULED FOR JUNE 13TH, 2005. YOU CAN CALL
11 240-777-7900 TO CONFIRM THE TIME AND DATE. BEFORE BEGINNING
12 PRESENTATION PLEASE STATE YOUR NAME AND ADDRESS CLEARLY FOR
13 THE RECORD. OUR FIRST SPEAKER, GREG RUSS. THAT IS AN INCORRECT
14 STATEMENT OF HOW MUCH TIME YOU HAVE. YOU HAVE THREE MINUTES.
15
16 MR. RUSS: OKAY. THANK YOU, MR. PRESIDENT. FOR THE RECORD, GREG
17 RUSS FROM THE MONTGOMERY COUNTY PLANNING BOARD. THE PLANNING
18 BOARD REVIEWED ZONING ORDINANCE TEXT AMENDMENT NUMBER 05-05 AT
19 ITS REGULAR MEETING ON MAY 5TH, 2005. THE BOARD UNANIMOUSLY
20 RECOMMENDS THAT THE TEXT AMENDMENT BE APPROVED AS AMENDED WITH
21 MINOR PLAIN LANGUAGE MODIFICATIONS THAT ARE INCLUDED IN THE
22 TECHNICAL STAFF REPORT YOU HAVE BEFORE YOU. THE DRAFT OF THE
23 SHADY GROVE SECTOR PLAN RECOMMENDS IMPROVING THE VISUAL
24 CHARACTER OF MARYLAND 355, THE OAKMONT INDUSTRIAL PARK AND
25 CRABB'S BRANCH OFFICE PARK WITH STREETScape PROVISIONS THAT

(28)

**The Corrected Transcript of
The Montgomery County Council**

May 10, 2005

1 WILL IMPROVE THE PEDESTRIAN SAFETY AND OVERALL CHARACTER OF
2 THE STREET. THE Z.T.A. WILL REQUIRE STREETScape IMPROVEMENTS
3 FOR ALL I-1 ZONED PROPERTY IN THE COUNTY IN ACCORDANCE WITH
4 COUNTY ROAD DESIGN STANDARDS AND SECTOR AND MASTER PLAN
5 GUIDANCE FOR STREET RIGHTS OF WAY. THE PLANNING BOARD BELIEVES
6 THAT THIS PROPOSAL IS AN APPROPRIATE MEASURE TO FURTHER
7 IMPROVE THE PEDESTRIAN SAFETY, ACCESS AND CONVENIENCE
8 THROUGHOUT THE COUNTY. THANK YOU, MR. PRESIDENT.

9

10 COUNCIL PRESIDENT PEREZ: THANK YOU. I SEE NO QUESTIONS. NEXT
11 PANEL? THANK YOU, MR. RUSS. NEXT PANEL, SHELLY WINKLER, TOWN
12 OF WASHINGTON GROVE, LARRY GORDON, EASTERN DIVERSIFIED
13 PROPERTIES, DAN NOELL, DARCARS, PAUL GLASGOW, JUDY KOENICK AND
14 DIANA HELLER. MS. WINKLER?

15

16 MS. WINKLER: GOOD AFTERNOON. I'M SHELLY WINKLER AND I'M
17 SPEAKING TODAY ON BEHALF OF JOHN COMPTON, MAYOR OF THE TOWN OF
18 WASHINGTON GROVE. WE STRONGLY SUPPORT THE TEXT AMENDMENTS 05
19 AND 06 BEFORE YOU. AS THE URBANIZATION OF OUR COUNTY
20 INTENSIFIES IT'S TIME TO ENSURE THAT SITE PLAN REVIEW IS
21 REQUIRED FOR STANDARD METHOD R&D DEVELOPMENT. SITE PLAN REVIEW
22 PROVIDES A NEEDED TOOL TO ENCOURAGE ATTRACTIVE R&D ZONES,
23 WHICH WILL BRING NEW R&D DEVELOPMENT TO THE COUNTY. AND NOW
24 THAT THE COUNTY IS ACTIVELY CREATING R&D ZONES ADJACENT TO
25 INTENSE RESIDENTIAL AREAS, THE GOVERNMENT MUST ENSURE THAT THE

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1 BLEND OF USES WORKS FOR THE WHOLE COMMUNITY AS EACH
2 DEVELOPMENT IS BUILT. OUR AREA CONTAINS MANY I-1 PROPERTIES
3 WHICH WERE DEVELOPED BEFORE ANY SITE PLAN REVIEW, INCLUDING
4 STREETScape REQUIREMENTS, WERE IN PLACE. MOST OF THOSE
5 PROPERTIES ARE DIFFICULT, IF NOT TREACHEROUS, TO PASS AS A
6 PEDESTRIAN. MANY HAVE NO SIDEWALKS AND PEDESTRIANS ARE FORCED
7 TO WALK ON THE STREET. OAKMONT AVENUE AND THE 355 SHADY GROVE
8 ROAD AREAS ARE CASES IN POINT. EYESORE ROADS WHERE PEDESTRIANS
9 ARE AN AFTERTHOUGHT AT BEST AND EXISTING INFRASTRUCTURE
10 DISCOURAGES PEDESTRIAN USE. EVEN PROPERTIES WITH LIMITED
11 SIDEWALKS, SUCH AS MANY ALONG 355, HAVE SIDEWALKS ADJACENT TO
12 CURBS. IN RAINY WEATHER THE CARS GOING 50 MILES AN HOUR ARE
13 SPLASHING PEDESTRIANS AND WHEN PLOWS PILE SNOW ALONG SIDE THE
14 ROAD, THE SIDEWALKS DISAPPEAR ALTOGETHER. THIS IS AN EXCELLENT
15 OPPORTUNITY FOR THE COUNTY TO CORRECT THE LACK OF ADEQUATE
16 STREETScape PERMITTED AT A TIME WHEN THERE WAS NO EXPECTATION
17 OF PEDESTRIAN TRAFFIC AND TO IMPROVE THE STREET ENVIRONMENT AT
18 THE SAME TIME. THIS AMENDMENT ADDRESSES THIS PROBLEM IN A
19 RESTRAINED WAY, COMES INTO PLAY ONLY IF A BUSINESS IS CREATING
20 A SIZABLE ADDITION, NOT FOR RENOVATION OF THE CURRENT BUILDING
21 AREA. THIS AMENDMENT MAY WELL HELP INDUSTRIAL BUSINESSES
22 RETAIN THEIR LOCATIONS IN THEIR EXISTING COMMUNITIES. THERE
23 MIGHT BE A BETTER ATTITUDE TO INDUSTRIAL USERS AND LESS
24 PRESSURE FOR THEM TO RELOCATE IF THEY PROVIDE ADEQUATE
25 STREETScape. A SHADED FIVE TO SEVEN FOOT LAWN PANEL IS A

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1 MINIMUM BUFFER BETWEEN STREET AND THE SIDEWALK TO ALLOW SAFE
2 PASSAGE AND A FUNCTIONAL SIDEWALK IN ALL WEATHER. GOVERNMENT
3 NEEDS TO PROVIDE FOR EXISTING PEDESTRIANS, TO ENCOURAGE
4 EMPLOYEES AND THE PUBLIC TO USE PUBLIC TRANSPORTATION AND
5 PEDESTRIAN ACCESS AND TO IMPROVE THE AESTHETIC SETTING FOR
6 EVERYONE. WE SUPPORT PARK AND PLANNING'S REASONABLE PROPOSALS
7 TO ACCOMPLISH THESE GOALS. THANK YOU.

8
9 COUNCILMEMBER LEVENTHAL: YES, THANK YOU, MR. GORDON?

10
11 SPEAKER: ([SPEAKER NOT UNDERSTOOD]

12
13 COUNCILMEMBER LEVENTHAL: TURN ON YOUR MICROPHONE.

14
15 MR. GORDON: SORRY. LARRY GORDON WITH STILLMAN ROGERS,
16 REPRESENTING EASTERN DIVERSIFIED PROPERTIES AND WE'RE HERE TO
17 TESTIFY IN OPPOSITION TO THE ZONING TEXT AMENDMENT AS IT HAS
18 BEEN DRAFTED. WE DO NOT OPPOSE THE CONCEPT OF STREETSCAPE. OUR
19 ISSUE DEALS WITH WHEN THAT STREETSCAPE WOULD BE REQUIRED ON
20 INDUSTRIAL PROPERTIES. AND IN PARTICULAR I'M SPEAKING TODAY
21 WITH REGARD TO THE MARYLAND 355 SOUTH CORRIDOR AREA OF THE
22 SHADY GROVE SECTOR PLAN. WE HAVE PROVIDED TESTIMONY TO THE
23 P.H.E.D. IN CONJUNCTION WITH THE SHADY GROVE PLAN ON THIS
24 ISSUE AND OUR TESTIMONY TODAY IS CONSISTENT WITH THAT
25 TESTIMONY. WE HAVE THREE PROPERTIES WITHIN 355 SOUTH. A VOLVO

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1 DEALERSHIP, A NISSAN DEALERSHIP AND A USED CAR FACILITY. THE
2 DEALERSHIPS THAT ARE OUT THERE AND THIS WHOLE AREA IS
3 PRIMARILY AUTO-RELATED USES. IT'S FROM PARAMOUNT DRIVE TO
4 SOUTH OF GUDE DRIVE ALONG 355. THE DEALERSHIPS HAVE BEEN THERE
5 FOR A LONG TIME. THEY'RE GOING TO STAY THERE FOR A LONG TIME.
6 THERE ARE LONG-TERM LEASES, UP TO 20 YEARS. A NUMBER OF THEM
7 HAVE RECENTLY BEEN RENOVATED AT A LOT OF COST TO THE OWNERS.
8 RIGHT NOW ON THE EAST SIDE OF 355, WHICH IS THE COUNTY SIDE,
9 THE WEST SIDE IS THE CITY OF ROCKVILLE, THERE IS AN EIGHT-FOOT
10 SIDEWALK RUNNING PARALLEL TO 355. BEYOND THE SIDEWALK YOU HAVE
11 -- OR WITHIN THE SIDEWALK THERE ARE TREE CUTS. YOU HAVE
12 UTILITY POLES ABOVE THEM, UTILITY POLES. AND BEYOND THAT,
13 DEPENDING ON THE AGE OF THE PROJECT YOU HAVE DIFFERENT DEGREES
14 OF LANDSCAPING. BASICALLY, WHAT WE'RE SUGGESTING IS THAT IT
15 DOES NOT MAKE SENSE TO TEAR OUT WHAT IS A PERFECTLY USABLE
16 GOOD SIDEWALK NOW WHEN THE USES THAT ARE IN THERE ARE CAR
17 DEALERSHIPS. WE THINK IT WOULD MAKE SENSE TO MAKE THESE
18 CHANGES WHEN THE USES CHANGED TO RESIDENTIAL OR MIXED-USE
19 RESIDENTIAL/COMMERCIAL TYPE USES OR OFFICE USES BECAUSE THAT'S
20 WHEN THE BUILDINGS WILL COME DOWN. THAT'S WHEN YOU HAVE AN
21 OPPORTUNITY TO FULLY REDEVELOP YOUR SITES. RIGHT NOW YOU DO
22 NOT HAVE A LOT OF PEOPLE WALKING IN THIS AREA. TO THE EXTENT
23 THAT PEOPLE WOULD LIKE TO WALK IN THE AREA AND HAVE, FOR LACK
24 OF A BETTER TERM, A NICER ENVIRONMENT, THE WEST SIDE IS WHERE
25 KING FARM HAS REDEVELOPED RECENTLY. THE WEST SIDE HAS THE

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1 EXACT SAME SIDEWALK SETUP AS THE EAST SIDE. IT HAS AN EIGHT-
2 FOOT SIDEWALK RIGHT UP AGAINST THE ROAD, ABOVE-GROUND UTILITY
3 POLES AND THEN STREETScape. AND THIS IS NO DIFFERENT FOR THE
4 MEMBERS OF THE P.H.E.D. COMMITTEES THAN THE DISCUSSION WE HAD
5 ON THE WIDENING OF 355 AT THIS TIME. THE ISSUE IS WHEN DO YOU
6 IMPOSE THESE REQUIREMENTS? AND WE THINK IT WOULD BE REASONABLE
7 TO ALLOW THE DEALERSHIPS TO CONTINUE AS-IS, TO ALLOW THEM TO
8 UPGRADE (CHIMES) EXPAND AND THEN IMPOSE THIS AT LATER DAY.
9 THANK YOU.

10

11 COUNCILMEMBER LEVENTHAL: THANK YOU. MR. NOELL.

12

13 MR. NOELL: GOOD AFTERNOON, PRESIDENT PEREZ AND MEMBERS OF THE
14 COUNTY COUNCIL. I AM DAN NOELL, VICE PRESIDENT OF EASTERN
15 DIVERSIFIED PROPERTIES, INC. AND I'VE HANDED 15 COPIES OF MY
16 WRITTEN TESTIMONY AND FOR THE RECORD. MY TESTIMONY RELATES TO
17 THE I-1 ZONED PROPERTIES OWNED BY E.D.P. IN PARTS OF THE
18 COUNTY OUTSIDE OF THE SHADY GROVE MASTER PLAN, SECTOR PLAN.
19 E.D.P. OWNS A NUMBER OF AUTOMOBILE DEALERSHIPS AND AUTO-
20 RELATED PROPERTIES IN VICINITY OF CHERRY HILL ROAD, AT THE
21 ROUTE 29 AND FAIRLAWN AREA OF SILVER SPRING. LIKE OUR SHADY
22 GROVE AREA PROPERTIES, OUR SILVER SPRING PROPERTIES ALSO ARE
23 ZONED I-1. ADDITIONALLY, MANY OF THESE PROPERTIES ARE SITUATED
24 WITHIN THE INTERIOR OF MONTGOMERY COUNTY INDUSTRIAL PARK. OUR
25 NEWER AUTO SALES FACILITIES HAVE GONE THROUGH SITE PLAN REVIEW

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1 AT THE PLANNING BOARD AND HAVE STREETScape AND SIDEWALK
2 REQUIREMENTS IMPOSED UPON THEM. OUR OLDER PROPERTIES LIKE
3 DARCARS/TOYOTA WERE DEVELOPED PRIOR TO THE SITE PLAN REVIEW
4 BUT NEVERTHELESS HAVE MADE SIGNIFICANT STREETScape
5 IMPROVEMENTS WITH SUBSTANTIAL INPUT FROM THE NEIGHBORING
6 COMMUNITY. AS DRAFTED, Z.T.A. 05-05 WOULD SUBJECT THESE
7 ALREADY-DEVELOPED PROPERTIES TO WHATEVER STREETScape OR
8 RECOMMENDATIONS MIGHT APPEAR IN FUTURE FAIRLAWN SECTOR PLAN.
9 AS A RESULT, AND THE OTHER OWNERS OF I-1 ZONED PROPERTY WILL
10 HAVE TO FULLY PARTICIPATE IN SUCH FUTURE SECTOR PLAN AS TO TRY
11 TO PRESERVE EXISTING STREETScape, SIDEWALK AND LIGHTING
12 IMPROVEMENTS. THIS SEEMS TO ME PATENTLY UNFAIR. WE HAVE MADE
13 IMPROVEMENTS IN GOOD FAITH AND SHOULD NOT HAVE TO FIGHT TO
14 PRESERVE THEM SHOULD WE DESIRE TO MODIFY OUR EXISTING
15 DEALERSHIPS. I WOULD ALSO NOTE THAT IT IS NOT JUST AUTO-
16 RELATED USES THAT WOULD BE AFFECTED. OFFICE BUILDINGS, BANKS,
17 HOTELS, MANUFACTURING FACILITIES, HOSPITALS, AND NUMEROUS
18 OTHER I-1 ZONED USES THROUGHOUT THE COUNTY WOULD HAVE TO
19 COMPLY WITH MASTER OR SECTOR PLANS WERE RECOMMENDED OR
20 REPLACED TO INCLUDE STREETScape PROVISIONS. THIS IS RECIPE FOR
21 CONFUSION AND DISILLUSIONMENT BY EVEN THE MOST DILIGENT OF
22 PROPERTY OWNERS. THE BETTER SOLUTION WOULD BE EITHER TO DROP
23 Z.T.A. 05-05 ALL TOGETHER OR, AT A MINIMUM, GRANDFATHER ALL
24 EXISTING USES ALONG WITH MODIFICATIONS AND EXPANSIONS THERETO.
25 THANK YOU FOR YOUR CONSIDERATION.

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1
2 COUNCILMEMBER LEVENTHAL: THANK YOU, MR. GLASGOW?

3
4 MR. GLASGOW: THANK YOU. GOOD AFTERNOON. I'M PAUL T. GLASGOW, 1
5 CHURCH STREET IN ROCKVILLE. I REPRESENT ROYCO, WHICH IS THE
6 OWNER OF SIX PROPERTIES IN THE MARYLAND 355 SOUTH CORRIDOR OF
7 THE SHADY GROVE SECTOR PLAN. THE SIX PROPERTIES OWNED BY ROYCO
8 ARE A MITSUBISHI DEALERSHIP, A HONDA DEALERSHIP, AND THE LEXUS
9 DEALERSHIP NORTH OF GUDE, MR. TIRE, THE BUSINESSES AT AUTO
10 CARE PARK AND 355 TOYOTA SOUTH OF GUDE DRIVE. TOGETHER THE
11 DEALERSHIPS AND TE AUTO CARE PARK TOTAL 13.4 ACRES OF THE 3.--
12 34.5 ACRES IN THIS MARYLAND SOUTH CORRIDOR. THIS CONSTITUTES
13 38% OF PROPERTIES IN THIS SECTION OF THE CORRIDOR AND TOGETHER
14 WITH THE PROPERTIES OWNED BY EASTERN DIVERSIFIED COMPRISE WELL
15 OVER 50% OF THE PROPERTIES IN THE MARYLAND 355 SOUTH CORRIDOR.
16 ALL THE PROPERTIES OWNED BY ROYCO ARE LONG-STANDING AUTOMOBILE
17 DEALERSHIPS OR AUTO-RELATED USES, WHICH HAVE BEEN LOCATED IN
18 THIS SEGMENT OF THE CORRIDOR FOR OVER 20 YEARS. MOST LEASES
19 FOR THESE AUTOMOBILE-RELATED USES ARE LONG-TERM LEASES WITH
20 RENEWAL OPTIONS. AND RELYING ON THESE LONG-TERM LEASES, MANY
21 OF THE OWNERS AND TENANTS HAVE MADE SIGNIFICANT CAPITAL
22 IMPROVEMENTS IN THEIR PROPERTIES IN RECENT YEAR IN ORDER TO
23 IMPROVE THE ATTRACTIVENESS AND FUNCTIONALITY OF THE
24 DEALERSHIPS. INDEED, AT THE PRESENT TIME SONIC AUTOMOTIVE HAS
25 PLANS UNDERWAY FOR SUBSTANTIAL RENOVATIONS AND ENHANCEMENTS OF

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1 THEIR LEXUS DEALERSHIP. ROYCO UNDERSTANDS AND APPRECIATES THAT
2 STREETScape IMPROVEMENTS THAT PROMOTE PEDESTRIAN SAFETY AND
3 ACCESS ARE DESIRABLE GOALS AND OBJECTIVES FOR IMPLEMENTATION
4 IN AREAS DEVOTED TO RESIDENTIAL USES. WHEN THESE PROPERTIES
5 DEVELOP FOR RESIDENTIAL USE IT WOULD BE APPROPRIATE AND
6 DESIRABLE TO IMPLEMENT STREETScape IMPROVEMENTS. HOWEVER, THE
7 AUTOMOBILE-RELATED USES IN MARYLAND 355 SOUTH CORRIDOR ARE AND
8 WILL REMAIN INDUSTRIALLY ZONED AND DO NOT ATTRACT PEDESTRIAN
9 TRAFFIC. THE CONSTRAINTS CONTAINED IN THIS TEXT AMENDMENT
10 LIMITING THE ALLOWABLE AREA THAT CAN BE EXPANDED, RENOVATED
11 AND ENHANCED WITHOUT TRIGGERING STREETScape REQUIREMENTS UNDER
12 THIS PROPOSED TEXT AMENDMENT WILL ACT AS A DISINCENTIVE TO
13 PROPERTY OWNERS AND TENANTS TO UPDATE AND MODERNIZE THEIR
14 FACILITIES. INDEED, THE IMPOSITION OF THESE STREETScape
15 IMPROVEMENTS PRIOR TO REDEVELOPMENT OF THESE PROPERTIES FOR
16 RESIDENTIAL USE WILL CAUSE CERTAIN PROPERTY OWNERS AND TENANTS
17 TO FOREGO MEANINGFUL LEVELS OF MODERNIZATION AND ENHANCEMENT
18 OF THEIR PROPERTIES IN ORDER TO TO AVOID TRIGGERING THESE
19 STREETScape REQUIREMENTS INCLUDING THE COST OF NOT ONLY
20 RELOCATING SIDEWALKS BUT ALSO THE COSTLY RELOCATION OF
21 EXISTING UTILITIES. IN ADDITION, THE CURRENT TEXT AMENDMENT
22 DOES NOT TAKE INTO CONSIDERATION THE EXISTING TOPOGRAPHY OF
23 THE PROPERTIES IN THE MARYLAND 355 SEGMENT OF THE CORRIDOR. BY
24 WAY OF EXAMPLE, ONE OF OUR PROPERTIES AT THE EXTREME SOUTH END,
25 MR. TIRE, HAS ALREADY BEEN RADICALLY IMPACTED BY THE PREVIOUS

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1 REALIGNMENT AND EXPANSION OF MARYLAND ROUTE 355, LEAVING THE
2 BUILDING ON THE PROPERTY SOME TEN FEET BELOW ROUTE 355 (CHIME)
3 WITH NO AREA AVAILABLE. IN CONCLUSION, ROYCO UNDERSTANDS AND
4 APPRECIATES THAT STREETScape IMPROVEMENTS THAT PROMOTE
5 PEDESTRIAN ACCESS AND SAFETY ARE DESIRABLE. HOWEVER, THE
6 TRIGGER FOR IMPLEMENTATION OF THE STREETScape IMPROVEMENTS IN
7 THIS TEXT AMENDMENT SHOULD BE CHANGED TO REQUIRE
8 IMPLEMENTATION AT TIME THE PROPERTIES REDEVELOP FOR
9 RESIDENTIAL USE --

10

11 COUNCILMEMBER LEVENTHAL: OKAY.

12

13 MR. NOELL: THANK YOU.

14

15 COUNCILMEMBER LEVENTHAL: THANK YOU, MS. KOENICK?

16

17 MS. KOENICK: MY NAME IS JUDY KOENICK. IN 1978 THERE WAS A TV
18 SHOW CALLED THE WAKING LAND STARRING ELIZABETH MONTGOMERY, A
19 THEN VERY SMALL AND YOUNG JANE SEYMORE, WILLIAM H. -- WILLIAM
20 G. MACY AND HAL HOLBROOK. IT STARTS WITH THE FAMILY BEFORE SHE
21 MET MR. HOLBROOK GOING ON A TRACE TO THE OHIO TERRITORY. THE
22 TRACE, FOR THOSE OF YOU WHO DON'T KNOW, IS BASICALLY THE TRAIL
23 CREATED BY ANIMALS THROUGH THE WOODS, THE OHIO TERRITORY IN
24 THE LATE 1700S AND EARLY 1800S. SHE GOES WITH HER FATHER. HER
25 FATHER HAS TO -- CAN'T LIVE UNLESS THERE'S ALL TREES AND WOODS

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1 ALL AROUND SO HE BASICALLY EVENTUALLY LEAVES. SHE HAS A LARGE
2 TRACT OF LAND. THEY COME IN, PEOPLE WANT HER TO GIVE LAND FOR
3 A SCHOOL, FOR A CHURCH, FOR COMMUNITY PLACES AND SO FORTH AND
4 BIG HOUSES. ULTIMATELY AT THE END WHAT HAPPENS, THEY LOOK
5 AROUND AND THEY SEE, WHERE ARE ALL THE TREES? THEY DO WHAT WE
6 CAN'T. THEY WALK INTO THE WOODS, BRING THE TREES AND PLANT
7 THEM BACK THERE. WE HAVE TO GO BUY TREES TO PLANT THEM. WE
8 NEED TO DO THAT. TO REQUIRE PEOPLE TO HAVE STREETSCAPING IS
9 ABSOLUTELY ESSENTIAL. A RECENT MAP THAT I LOOKED AT SHOWED THE
10 GREEN COVERAGE FOR D.C. VERSUS WHAT IT WAS A NUMBER OF YEARS
11 AGO AND RIGHT NOW PROBABLY 75% OF GREEN COVERAGE IN D.C. IS
12 GONE. THE PROBLEMS YOU HAVE IS, WHEN YOU BRING IN A PLAN TO --
13 WHETHER IT'S PERMITTING SERVICES AND SO FORTH THAT SHOWS THE
14 TREES, WHAT THEY SHOW YOU IS WHAT THEY THINK IT'S GOING TO
15 LOOK LIKE IN 30 OR 40 YEARS. AND IN FACT, WHAT THEY PLANT ARE
16 TOOTHPICKS. AN EXAMPLE CAN BE SEEN, IF YOU LOOK AT THIS
17 PICTURE HERE, YOU'LL SEE A TREE THAT'S ABOUT THAT BIG AND ONE
18 THAT'S ABOUT THAT BIG. THE FIRST HAVING BEEN PLANTED ABOUT 15
19 YEARS AGO, THE OTHER ONE A COUPLE YEARS AGO AND IT'S BEEN
20 KILLED. WHAT YOU NEED WHEN YOU HAVE THESE TREES AND PLANTS IN
21 DRAWINGS AND YOU REQUIRE THEM IS, A, THAT THEY PLANT SOMETHING
22 THAT'S GOING TO HAVE COVERAGE NOT IN 30 OR 40 YEARS BUT AT
23 THAT TIME. B, THAT THEY MUST BE ABLE TO MAINTAIN THEM AND, C,
24 WHEN IT COMES TIME TO WIDEN THE ROADS AND WIDEN THE SIDEWALKS,
25 WHAT IS THE FIRST THING THAT GOES? THE TREES. THEREFORE THEY

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1 START OVER AGAIN WITH THE TOOTHPICKS. YOU NEED TO -- IF YOU
2 REQUIRE TREES, YOU NEED TO REQUIRE THE TREES BE REPLANTED AT
3 THE MINIMUM OF THE SIZE AND CALIPER THAT EXISTED WHEN THEY CUT
4 THEM DOWN RATHER THAN COMING INTO THESE LITTLE, PUNY LITTLE
5 AREAS. I'M SURE THAT MANY OF YOU HAVE SEEN THINGS FROM THE
6 NATIONAL ARBOR OR SOMETHING OR OTHER, THEY SHOW THESE
7 BEAUTIFUL PICTURES OF DOGWOOD TREES AND FLOWERS TREES. YOU
8 SEND IN YOUR TEN BUCKS, THEY SEND YOU YOUR TREES. AND THEIR
9 PHOTOGRAPH SHOWS SOMEONE PLANTING A BEAUTIFUL TREE THAT'S
10 THREE, FOUR, FEET HIGH. WELL, MOST OF THE TREES THEY SEND YOU
11 [CHIME] ARE THINNER THAN TOOTHPICKS AND IF YOU THINK THEY LOOK
12 LIKE A TREE, THEY LOOK MORE LIKE A DEAD BRANCH.

13

14 COUNCILMEMBER LEVENTHAL: JUDY, YOU NEED TO WRAP UP. ARE YOUR
15 REMARKS IN SOME WAY GOING TO RELATE TO ZONING TEXT AMENDMENT
16 05-05?

17

18 MS. KOENICK: YES, WHAT I'M SAYING, IF YOU --

19

20 COUNCILMEMBER LEVENTHAL: WELL, WHY DON'T YOU MAKE YOUR FINAL
21 POINT NOW BECAUSE YOUR TIME IS UP.

22

23 MS. KOENICK: MY FINAL POINT IS THAT IF YOU'RE GOING TO REQUIRE
24 TREESCAPING, THERE HAVE TO BE PROVISIONS TO MAKE SURE THAT
25 THEY ARE SUBSTANTIAL TREES, THAT THEY ARE MAINTAINED. THEY

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1 CAN'T JUST BE ARBITRARILY CUT DOWN TO WIDEN A ROAD. AND ANY
2 DRAWING THEY SHOW YOU OF WHAT THEY LOOK LIKE IS WHAT IT LOOKS
3 LIKE NOW AND NOT IN 30 OR 40 YEARS.

4
5 COUNCILMEMBER LEVENTHAL: OKAY. THANK YOU FOR YOUR TESTIMONY.
6 MS. HELLER?

7
8 MS. HELLER: MY NAME IS DIANA HELLER. I'M THE NEWSPAPER EDITOR
9 FOR THE SHADY GROVE CIVIC ALLIANCE. I'VE BEEN ASKED BY
10 MEMBERSHIP TO TESTIFY ON BEHALF OF OUR ORGANIZATION TODAY. WE
11 SUPPORT THE DEPARTMENT OF PARK AND PLANNING'S PROPOSED ZONING
12 CHANGES REQUIRING I-1 PROPERTIES TO PROVIDE STREETSCAPING
13 COUNTYWIDE IN ACCORDANCE WITH COUNTY STANDARDS. THIS
14 REQUIREMENT IS NOT A HARDSHIP BECAUSE IT IS REQUIRED ONLY WHEN
15 THEY ARE MAKING SIGNIFICANT CHANGING TO THEIR PROPERTIES OR
16 WHEN REDEVELOPING. OUR COUNTY IS BECOMING MORE URBAN WITH
17 INDUSTRIAL AND RESIDENTIAL LIVING CLOSE PROXIMITY TO EACH
18 OTHER. THE STREETSCAPING ELEMENTS ARE PART OF A DEVELOPING
19 STANDARD IN THE COUNTY THAT IS NECESSARY TO THE SUCCESS OF
20 MIXED-USE NEIGHBORHOODS. INDUSTRIAL PROPERTIES SHOULD HAVE
21 SAFE SIDEWALKS WITH A BUFFER OF TREES AND GREEN SPACE BETWEEN
22 THE ROAD AND SIDEWALKS. SIDEWALKS DIRECTLY NEXT TO THE STREET
23 ARE TOO DANGEROUS. PRESENTLY, NOT ALL I-1 ZONED STREETS EVEN
24 HAVE SIDEWALKS. MANY INDUSTRIAL AREAS ARE SUBSTANDARD BECAUSE
25 THEY WERE DEVELOPED BEFORE SIDEWALKS WERE REQUIRED. FOR

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1 EXAMPLE, OAKMONT HAS NO SIDEWALKS AND DOES HAVE MANY BUS STOPS.
2 OTHER I-1 AREAS HAVE SIDEWALKS BUT THE SIDEWALKS ARE DIRECTLY
3 NEXT TO THE BUSY STREETS WITH BUS AND TRUCK TRAFFIC, MAKING
4 WALKING DANGEROUS AND UNPROTECTED AND UNPLEASANT. SNOW GETS
5 PILED ON THE CURBSIDE SIDEWALKS AND IS NOT CLEARED ALL WINTER
6 SO PEDESTRIANS LOSE THE SIDEWALK COMPLETELY. AND AREAS WITHOUT
7 SIDEWALKS HAVE ABSOLUTELY NO ROOM FOR WALKERS WHEN IT SNOWS.
8 AS THE INDUSTRIAL AND RESIDENTIAL BLEND MORE AND MORE INTO ONE,
9 WE NEED THE VISUAL CONTINUITY AS WELL. BRINGING THESE SIDE-BY-
10 SIDE AREAS INTO A VISUALLY COHESIVE AND ATTRACTIVE LANDSCAPE
11 IS CRUCIAL TO CREATING A PLEASANT, LIVABLE COMMUNITY. THE GOAL
12 OF THE UNIFORM I-1 AMENDMENT IS SO THAT OVER TIME AS
13 PROPERTIES REDEVELOP, AN ATTRACTIVE, SAFE WALKWAY IS PROVIDED
14 THROUGHOUT MONTGOMERY COUNTY. BY ADOPTING A STANDARD TO
15 INDUSTRIAL AREAS THAT IS COUNTYWIDE, YOU SET A REQUIREMENT
16 THAT IS NOT SITE-SPECIFIC AND IS FAIR TO ALL. IT SHOULD NOT BE
17 A HARDSHIP BECAUSE THE AMENDMENT IS WRITTEN IN A WAY THAT ONLY
18 LARGE DEVELOPMENTS NEED TO UPDATE FRONTAGES. ALSO, THE
19 AMENDMENT IS NOT INTENDED TO REQUIRE RELOCATION OF OVERHEAD
20 UTILITIES. THERE WAS SUCH A CASE BEFORE THE PLANNING BOARD
21 WHERE THE UTILITIES AND THE SIDEWALKS WERE RESOLVED AND
22 UTILITIES WILL STAY WHERE THEY ARE. THE COMMUNITY APPRECIATES
23 THE INDUSTRIAL COMPANIES THAT PROVIDE JOBS, SERVICES AND GOODS.
24 MONTGOMERY COUNTY GIVES THEM A GOOD PLACE TO DO BUSINESS. THEY
25 ARE PART OF OUR COMMUNITY AND WE BELIEVE THEY NEED TO BE A

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1 GOOD NEIGHBOR BY PROVIDING ATTRACTIVE AND SAFE PEDESTRIAN
2 SIDEWALKS. (CHIMES)

3

4 COUNCILMEMBER LEVENTHAL: LAST THING.

5

6 SPEAKER: LASTLY, WE SUPPORT TEXT AMENDMENT 05-06 AND YOU CAN
7 READ MY LAST PARAGRAPH. THANK YOU VERY MUCH.

8

9 COUNCILMEMBER LEVENTHAL: THANK YOU MS. HELLER. MRS. PRAISNER
10 HAS HER LIGHT ON.

11

12 COUNCILMEMBER PRAISNER: YES. ACTUALLY, MY QUESTION IS NOT FOR
13 THE PANEL. IT'S THE QUESTION FOR WHEN THE P.H.E.D. COMMITTEE
14 HAS THIS DISCUSSION. EVERYTHING IS FOCUSED ON THE I-1 ZONE
15 WITH THESE NEW COUNTY STANDARDS. I'D LIKE TO HAVE A DISCUSSION
16 OF COUNTY STANDARDS, NOT AS IT RELATES TO THE I-1 ZONE BUT
17 SINCE THE I-1 ZONE IS NOT THE DOMINANT ZONE IN THE COUNTY,
18 THERE'S AN ASSUMPTION BEING MADE HERE THAT THIS IS GOING TO
19 IMPROVE SIDEWALKS IN SOME SIGNIFICANT WAY BECAUSE OF THE
20 REQUIREMENT FOR -- WITH REDEVELOPMENT, THE REQUIREMENT FOR A
21 BUFFER AND THEN SIDEWALK. AS I TRAVEL MY WAY HERE IN THE
22 MORNING, I TRAVEL RANDOLF ROAD. AND THERE ARE OTHER MAJOR
23 ROADS IN THE COUNTY, COMPLETELY RESIDENTIAL, WITH SIDEWALK
24 ABUTTING THE CURB AND THE ROAD. MY QUESTION IS, WHAT IS THE
25 MAGNITUDE OF THE IMPLICATIONS OF A DISCUSSION FOCUSED ONLY ON

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1 THE I-1 ZONE IF IT'S BASED ON A COUNTY STANDARD THAT IS NOT
2 ACHIEVABLE IN RESIDENTIAL ZONES THAT ARE THE DOMINANT ZONE IN
3 THE COUNTY OR ON DOMINANT ZONES IN THE COUNTY? AND IS IT THE
4 PLANNING BOARD'S EXPECTATION THAT RESIDENTIAL ZONES WILL BE
5 CHANGED AS WELL, AS FAR AS SIDEWALK STANDARDS ARE CONCERNED?
6 AND WHAT IS THAT -- WHAT IS THE IMPLICATION FOR FUTURE ROADS -
7 - FUTURE DEVELOPMENT OF THAT?

8

9 COUNCIL PRESIDENT PEREZ: OKAY. NO OTHER LIGHTS ON. THANK YOU
10 FOR YOUR TESTIMONY. OKAY.


AGENDA ITEM #5&7
September 6, 2005

Worksession

MEMORANDUM

August 30, 2005

TO: County Council

FROM: Ralph D. Wilson, Senior Legislative Analyst 

SUBJECT: Worksession -ZTA 05-06, building material and supply use in the R&D zone.

PHED Recommendation. Approve with minor wording revision recommended by the Planning Board. The Shady Grove Sector Plan supports continuation of an existing building and supply use; however, redevelopment of the property is recommended to take place only under the standards of the R&D zone. ZTA 05-06 would prevent any materials and supply use reclassified to the R&D zone from nonconforming status even though it may not conform to the requirements of the R&D zone.

Background

ZTA 05-06 would allow any building material and supply use existing at the time the property is placed in the R&D zone to continue as a conforming use. Site plan review is now required in the R&D zone only for projects at densities greater than allowed under the standard method of development. Under ZTA 05-06, site plan review would also be required for standard method of development projects in the R&D zone.

The Shady Grove Sector Plan recommends that an existing building material and supply use located along Shady Grove Road be reclassified from the I-1 zone to the R&D zone. The Plan supports continuation of the existing building and supply use; however, redevelopment of the property is recommended to take place only under the standards of the R&D zone. ZTA 05-06 would prevent any materials and supply use reclassified to the R&D zone from nonconforming status even though it may not conform to the requirements of the R&D zone. Under the ZTA, a building material and supply use could be modified, reconstructed, or enlarged in accordance with the requirements of the zone in effect for the property before the property was

reclassified to the R&D zone. If the property were redeveloped for a purpose other than a building material and supply use, the requirements of the R&D zone would apply.

No written or oral testimony in opposition to ZTA 05-06 has been submitted for the record. Council staff supported approval of ZTA 05-06 with the minor wording revision recommended by the Planning Board.

f:\wilson\zta\2005 ztas\zta05-06\worksession memo05-06.doc

Zoning Text Amendment No: 05-06
Concerning: Building Materials & Supplies
in the R&D Zone
Draft No. & Date: 3- 03/15/05
Introduced: April 5, 2005
Public Hearing: May 10, 2005; 1:30 PM
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing a building materials and supplies store as a permitted use in the Research and Development (R&D) zone under certain circumstances, and
- requiring site plan review for standard method development in the R&D zone, after a certain date.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-5	"INDUSTRIAL ZONES"
Section 59-C-5.2	"Land uses"
Section 59-C-5.45	"Special regulations-R&D zone."
ARTICLE 59-D	"ZONING DISTRICTS—APPROVAL PROCEDURES "

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-5 is amended as follows:

DIVISION 59-C-5 INDUSTRIAL ZONES.

* * *

59-C-5.2. Land uses.

* * *

	I-1	I-2	I-3	I-4	R&D	LSC
(d) Commercial.						
* * *						
Building material[s] and [supplies] supply, wholesale and retail. ²⁰	P	P		P	P*	

* Only if a building permit was issued before the property was classified to the R&D zone. Any building material and supply use for which a building permit was issued before the property was classified to the R&D zone is a conforming use and may be modified, reconstructed, or enlarged in accordance with the standards of the zone in effect for the property before the property was reclassified to the R&D zone.

* * *

59-C-5.45. Special regulations-R&D zone.

* * *

(b) Standard method of Development. Under the standard method of development, a site plan must be filed with the Planning Board under 59-D-

3.

([b]c) Optional method of development. In order to encourage the orderly grouping and planned development of research and development projects at higher densities than permitted under the standard method of development, [the following] an optional method of development project may be

[permitted, provided] approved, if: (1) [it] the project is not inconsistent with the applicable approved and adopted master plan; and (2) [provided that] the requirements for site plan approval [contained in division] under Division 59-D-3 are met. If the optional method of development is used, all the [normal] standard requirements of the R&D zone will be in effect, except as follows:

* * *

Sec. 2. Article 59-D is amended as follows:

ARTICLE 59-D. ZONING DISTRICTS—APPROVAL PROCEDURES.

INTRODUCTION

* *

The following table is provided for the convenience of the public, citing the appropriate sections of Article 59-C and indicating the type of plans required in each zone. In the event of any conflict between this table and the provisions of Article 59-C, the latter must govern.

Plan Approvals Required

Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
* * *					
R&D				[O] <u>X</u>	
* * *					

(4)

45 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
46 date of Council adoption.

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48 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MONTGOMERY COUNTY PLANNING BOARD

The Maryland-National Capital Park and Planning Commission

May 5, 2005

TO: The County Council for Montgomery County, Maryland, sitting as the
District Council for Maryland-Washington Regional District in
Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Planning Board on Zoning Ordinance Text Amendment No. 05-06

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Ordinance Text Amendment No. 05-06 at its regular meeting on May 5, 2005. By a vote of 5-0, the Board recommends that the text amendment be approved as amended with minor plain language modifications that are included in the technical staff report.

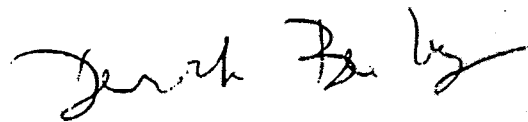
The Planning Board Draft of the Shady Grove Sector Plan recommends rezoning the existing Great Indoors property (a building materials and supply use), located along Shady Grove Road, from I-1 (Light Industrial) to R&D (Research and Development) and I-3 (Technology and Business Park) using the optional provisions. To avoid creating a nonconforming use and building size under the R&D zone for the Great Indoors (this use is not permitted in the R&D zone), the Planning Board believes that it is appropriate to adopt a zoning text amendment to allow the existing building materials and supply use as a grandfathered use in the R&D zone.

The Draft Plan further recommends the development of the Shady Grove Technology Corridor using the Research and Development (R&D) and I-3 zone as the implementation measure. In order to achieve the objectives of the Sector Plan and to encourage better site design for the Technology Corridor, the Board believes that it is appropriate to require site plan review for the standard method of development in the

R&D zone. This requirement will ensure a character that can compete in the market place and attract quality R&D businesses throughout the County.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on a motion of Commissioner Bryant, seconded by Vice-Chair Perdue, with Commissioners Bryant, Robinson and Wellington, Vice-Chair Perdue and Chairman Berlage voting in favor of the motion, at its regular meeting held in Silver Spring, Maryland on Thursday, May 5, 2005.



Derick Berlage
Chairman

DB:gr



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Items 6 & 7
05/05/05

DATE: April 29, 2005
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning
Rose Krasnow, Chief, Development Review *RK*
Carlton Gilbert, Zoning Supervisor *CG*
FROM: *HJ* Nkosi Yearwood and Karen Kumm, Community-Based Planning
Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendments
PURPOSE: To amend the Zoning Ordinance language based on recommendations from the Draft Shady Grove Sector Plan. Specifically, amend the Light Industrial (I-1) zone to require streetscape provisions in the zone; and amend the Research and Development (R&D) zone to allow an existing building materials and supply use, wholesale and retail, to be grandfathered as a permitted use; and provide for site plan review for standard method development in the R&D zone.

TEXT AMENDMENT: 05-05 and 05-06
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: April 5, 2005

PLANNING BOARD REVIEW: May 5, 2005
PUBLIC HEARING: May 10, 2005, 1:30 PM

STAFF RECOMMENDATION: APPROVAL with modifications (for both applications)

PURPOSE OF THE TEXT AMENDMENTS

To amend the Zoning Ordinance language based on recommendations from the Draft Shady Grove Sector Plan. The Sector Plan includes recommendations for two text amendments as follows:

1. ZTA No. 05-05: Amend the Light Industrial (I-1) zone to require streetscape provisions in the zone;
2. ZTA No. 05-06: Amend the Research and Development (R&D) zone to allow an existing building materials and supply use, wholesale and retail, to be grandfathered as a permitted use; and provide for site plan review for standard method development in the R&D zone.

BACKGROUND

ZTA 05-05

The Draft of the Shady Grove Plan recommends improving the visual character of MD 355, the Oakmont Industrial Park and Crabbs Branch Office Park with streetscape provisions that will improve the pedestrian safety and overall character of the street. Specifically, pedestrians are forced either to walk in the street, as in the Oakmont instance, or along MD 355 where the sidewalk abuts the road. This amendment will require streetscape improvements for all I-1 zoned property.

ZTA 05-06

The Planning Board Draft of the Shady Grove Sector Plan recommends rezoning the existing Great Indoors property, located along Shady Grove Road, from I-1 (Light Industrial) to R&D (Research and Development) and I-3 (Technology and Business Park) using the optional provisions. To avoid creating a nonconforming use and building size under the R&D zone for the Great Indoors (this use not permitted in the R&D zone), a text amendment is required to allow the existing building materials and supplies use as a grandfathered use in the R&D zone.

The Draft Plan also recommends the development of the Shady Grove Technology Corridor using the Research and Development (R&D) and I-3 zone as the implementation measure. Site plan review is required only in the R&D optional method of development and not in the standard method of development. In order to achieve the objectives of the Sector Plan and to encourage better site design for the Technology Corridor, staff recommends requiring site plan review for the standard method of development in the R&D zone. This requirement will ensure a character that can compete in the market place and attract quality R&D businesses.

The proposed text amendments were reviewed by the Planning Board on February 24, 2005, for transmittal to the County Council for introduction. Since that time, minor modifications (plain language and stylistic) were made to the text by the Zoning Screening Committee.

ANALYSIS

ZTA 05-05

This amendment will require streetscape improvements for all I-1 zoned property in accordance with County road design standards and Sector and Master Plan guidance for street rights-of-way to improve pedestrian safety, access and convenience. Streetscape improvements will be triggered at the time of preliminary and/or site plan approval. Site plan is required in the I-1 zone for buildings that are more than 3 stories or 42 feet in height and automobile sales and businesses, such as car dealerships.

The Shady Grove Planning Area has a significant amount of I-1 zoned land, approximately 544 acres. The Crabbs Branch Office Park, along Crabbs Branch Way and near Gude Drive, is developed under I-1 zoning, as is the MD 355 Corridor and the Oakmont Industrial area. Other light industrial properties are in the Fairland, Silver Spring, Upper Rock Creek, Germantown areas and in portions of the AirPark.

The streetscape requirement must achieve continuous sidewalks, street tree plantings, lighting or other improvements and must be consistent with the recommendations and guidelines of the relevant approved master or sector plan and approved streetscape plans.

ZTA 05-06

The current use category of the Great Indoors, building materials and supply, wholesale and retail, is permitted in the I-1 zone but not the R& D zone. Under the I-3 zone, a building materials and supplies use is allowed if the use existed prior to June 6, 1989.

Using the R&D and I-3 zones creates a ceiling on the amount of development on the Great Indoors property, should the site redevelop. Under the existing I-1 zone, there is no FAR limitation. The goal of the proposed text amendment is to grandfather the use into the R&D zone and to create a conforming use.

The following chart illustrates the amount of development allowed under each zoning category:

Great Indoors Land Area	Existing development (square feet)	R& D standards	I-3 standards
13.65 acres	210, 200 square feet @ 0.35 FAR (I-1 standard)	178, 508 sq. ft (@ .3 FAR) <i>standard method</i>	297, 514 sq. ft (@ .5 FAR) <i>standard method</i>
		297, 514 sq. ft. (@ .5 FAR) <i>optional method</i>	

RECOMMENDATION

The staff recommends that proposed ZTA Nos. 05-05 and 06, to address Shady Grove Sector Plan recommendations, be approved as modified slightly to make plain language text changes.

Attachments 1 and 2 depict the proposed amendments as modified by staff.

Attachments

1. Zoning Text Amendment No. 05-05
2. Zoning Text Amendment No. 05-06
3. Transmittal Letter from Planning Board to Tom Perez, Council President

ATTACHMENT 1

Zoning Text Amendment No: 05-05
Concerning: Streetscape Requirements
in the I-1 zone
Draft No. & Date: 5 – 03/23/05
Introduced: April 5, 2005
Public Hearing: May 10, 2005; 1:30 PM
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing streetscape requirements in the I-1 zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-5 “INDUSTRIAL ZONES”
Section 59-C-5.4 “Special regulations.”
Section 59-C-5.41 “Special regulations-I-1 zone.”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
*Underlining indicates text that is added to existing laws
by the original text amendment.*
*[Single boldface brackets] indicate text that is deleted from
existing law by the original text amendment.*
*Double underlining indicates text that is added to the text
amendment by amendment.*
*[[Double boldface brackets]] indicate text that is deleted
from the text amendment by amendment.*
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-5 is amended as follows:

DIVISION 59-C-5 INDUSTRIAL ZONES.

* * *

59-C-5.41. Special regulations-I-1 zone.

(a) **Off-street parking.** The off-street parking required by [a]Article 59-E [shall] must be provided on land which is in the I-1 zone unless provided through a joint use agreement.

(b) **Streetscape.** Streetscape improvements must be provided within or adjacent to a street right-of-way to improve safety, access, and attractiveness. The streetscape must include continuous sidewalks, street tree plantings, lighting, or other improvements. All streetscape improvements must be consistent with the guidelines of the applicable approved and adopted master or sector plan. Any development existing as of (ZTA Effective Date) must be brought into compliance with the streetscape guidelines if any cumulative proposed modifications expand the total floor area of all structures or buildings by more than 25 percent or 7,500 square feet, whichever is less. Streetscape improvements must be identified at the time of preliminary plan or site plan review. If a preliminary plan or site plan review is not required, streetscape improvements must be submitted to the Director and Planning Board, or its designee, for compliance with the applicable master or sector plan guidelines before a building permit may be [[issued]] issued.

[(b)](c) **Development above three stories.** In order to encourage planned development of employment centers, to preserve open space within such developments, and generally to enhance the environment of large employment centers, the height limit in this zone may be increased to 10

27 stories or 120 feet; provided, that the applicable approved and adopted master
28 plan does not indicate that large employment centers are unsuitable for the
29 applicable site; and provided further that the following site development
30 standards and site plan review procedure shall be in effect. Development in
31 accordance with this subsection shall be subject to all of the requirements of
32 the I-1 zone except as specifically modified herein.

33 * * *

34 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
35 date of Council adoption.

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37 This is a correct copy of Council action.

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39
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41 _____
42 Elda M. Dodson, CMC

43 Acting Clerk of the Council

ATTACHMENT 2

Zoning Text Amendment No: 05-06
Concerning: Building Materials & Supplies
in the R&D Zone
Draft No. & Date: 3- 03/15/05
Introduced: April 5, 2005
Public Hearing: May 10, 2005; 1:30 PM
Adopted:
Effective:]
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- allowing a building materials and supplies store as a permitted use in the Research and Development (R&D) zone under certain circumstances, and
- requiring site plan review for standard method development in the R&D zone, after a certain date.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-5	"INDUSTRIAL ZONES"
Section 59-C-5.2	"Land uses"
Section 59-C-5.45	"Special regulations-R&D zone."
ARTICLE 59-D	"ZONING DISTRICTS—APPROVAL PROCEDURES "

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

***Double underlining** indicates text that is added to the text amendment by amendment.*

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-5 is amended as follows:

DIVISION 59-C-5 INDUSTRIAL ZONES.

* * *

59-C-5.2. Land uses.

* * *

	I-1	I-2	I-3	I-4	R&D	LSC
(d) Commercial.						
* * *						
Building material[s] and [supplies] supply, wholesale and retail. ²⁰	P	P		P	P*	

* Only if a building permit was issued before the property was classified to the R&D zone. Any building material and supply use for which a building permit was issued before the property was classified to the R&D zone is a conforming use and may be modified, reconstructed, or enlarged in accordance with the standards of the zone in effect for [[a]] the property before the property was reclassified to the R&D zone.

* * *

59-C-5.45. Special regulations-R&D zone.

* * *

(b) Standard method of -Development. Under the standard method of development a site plan must be filed with the Planning Board under 59-D-3.

((b)c) **Optional method of development.** In order to encourage the orderly grouping and planned development of research and development projects at higher densities than permitted under the standard method of development, [the following] an optional method of development project may be [permitted, provided] approved, if: (1) [it] the project is not inconsistent with

the applicable approved and adopted master plan; and (2) [provided that] the requirements for site plan approval [contained in division] under Division 59-D-3 are met. If the optional method of development is used, all the [normal] standard requirements of the R&D zone will be in effect, except as follows:

* * *

Sec. 2. Article 59-D is amended as follows:

ARTICLE 59-D. ZONING DISTRICTS—APPROVAL PROCEDURES.

INTRODUCTION

* *

The following table is provided for the convenience of the public, citing the appropriate sections of Article 59-C and indicating the type of plans required in each zone. In the event of any conflict between this table and the provisions of Article 59-C, the latter must govern.

Plan Approvals Required

Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
* * *					
R&D				[O] <u>X</u>	
* * *					

14 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
15 date of Council adoption.

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47 This is a correct copy of Council action.

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51 _____
Elda M. Dodson, CMC

52 Acting Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

March 1, 2005

The Honorable Tom Perez, President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

Re: Planning Board Recommendation on Transmittal to County
Council for Introduction of two Zoning Text Amendments
based on recommendations from the Shady Grove Sector
Plan

Dear Mr. ^{Tom}Perez and Councilmembers:

On February 24, 2005, the Planning Board approved the transmittal to the District Council of two zoning text amendments that are related to recommendations in the Shady Grove Sector Plan. The Planning Board recommends that the Council introduce these text amendments.

The text amendments propose to:

1. Allow a building materials and supplies store as a grandfathered permitted use in the R&D zone and require site plan review for all development in the R&D zone;
2. Establish streetscape requirements in the I-1 zone.

The two text amendments as recommended by the Planning Board are included as Attachment 1.

Background

Building Materials and Supplies in the R&D Zone/ Site Plan Review for all development in the R&D Zone

The Planning Board Draft of the Shady Grove Sector Plan recommends rezoning the existing Great Indoors property, along Shady Grove Road, from I-1 (Light Industrial) to R&D (Research and Development) and I-3 (Technology and

Business Park) using the optional provisions. To avoid creating a nonconforming use and building size under the R&D zone for the Great Indoors, a text amendment is required to allow the existing building materials and supplies use as a grandfathered use in the R&D zone.

The Draft Plan further recommends the development of the Shady Grove Technology Corridor using the Research and Development (R&D) and I-3 zone as the implementation measure. Site plan review is required only in the R&D optional method of development and not the standard method of development. In order to achieve the objectives of the Sector Plan and to encourage better site design for the Technology Corridor, the Board recommends requiring site plan review for the standard and optional methods of development in the R&D zone. This requirement will ensure a character that can compete in the market place and attract quality R&D businesses throughout the County.

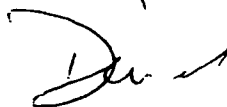
Establishing Streetscape Requirements in the I-1 Zone

The Draft of the Shady Grove Plan also recommends improving the visual character of MD 355, the Oakmont Industrial Park and Crabbs Branch Office Park with streetscape provisions that will improve the pedestrian safety and overall character of the street. Specifically, pedestrians are either forced to walk in the street, as in the Oakmont instance, or along MD 355 where the sidewalk abuts the road.

This amendment will require streetscape improvements in the I-1 Zone throughout the County, in accordance with County road design standards and Sector and Master Plan guidance for street rights-of-way, to improve pedestrian safety, access and convenience. Streetscape improvements will be triggered at the time of preliminary and/or site plan approval and for existing development where expansion of the gross floor area reaches 25% or 7,500 square feet, whichever is less.

The Planning Board recommends that the text amendments be introduced by the District Council. Members of the Planning Board and staff of the Department of Park and Planning are available to assist the Council in the review of the proposed text amendments necessary to implement our recommendations.

Sincerely,



Derick P. Berlage,
Chairman

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